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*Demokratia, the Gods, and the Free World*



**D***emokratia,*

*the* **G***ods,*

*and the* **F***ree World*

**11161**

BY JAMES H. OLIVER

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*Respectfully dedicated to a  
great scholar and champion  
of true freedom,*

WILLIAM FOXWELL ALBRIGHT,  
*Professor Emeritus of Semitic Languages  
at The Johns Hopkins University*



## *Introduction*

**T**he mission of Greece and Rome to defend and promote freedom and the rule of law had a religious foundation according to the thesis propounded and developed in the following pages.

Whereas the duty of the historian is usually and rightly conceived as vigilance in the recognition and exposure of what was really happening beneath the pretenses which the men of each generation erect, it is sometimes necessary to study the pretenses themselves in order to understand the limitations and inspiration of actions. Ideals are often a disguise, but even hypocrisy is a tribute which confesses the importance of the ideal, and the historian who tries to understand a period will surely study not only what men do, and the economic motives which drive them, but also what they think and say they are doing when they try to give their actions a certain dignity and glory.

This study attempts to cover a period which has in my



mind a beginning and an end. At the risk of a little mysticism, I should define my period as beginning when the Greeks suspected that Zeus himself had changed and no longer was sending, say, Kratos and Bia to help an individual Achaean or Dorian king who might or might not help the community, who in spirit might be rather like the tyrant of the *Prometheus Bound*, but was sending Nike to the direct aid of the community. I have given some thought to a balanced synthesis but I have been more concerned to place the emphasis where I felt I had a contribution to make. I have stopped where I find the Nike of Zeus (or the Victoria of Jupiter) replaced by the Angel of God.

The book was written amid the facilities of the Johns Hopkins University Library and Numismatic Collection and of the Dartmouth College Library. The coins were photographed by Dr. Sarah E. Freeman. The author's wife, Janet Carnochan Oliver, compiled the index, a grim labor indeed, and helped him in many other ways. Chapters I and II were the subject of the Ancient History seminar at the Johns Hopkins University and owe much to the co-operation of our superior graduate students. The departmental secretary, Mrs. Hannah E. Schleissner, prepared the typescript.

Baltimore, Md.  
1 January 1960

*James H. Oliver*

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*From Divinely Ordained Kingship  
to Civic Constitution*

The inscriptions of the Mycenaean period at this early stage of decipherment seem to show in the kingdom of Pylos a plurality of basileis who are headmen rather than kings. The real king (or first among kings) is the *wa-na-ka*, and his chief assistants include the *lawagetas* certainly and the *da-mo-ko-ro* perhaps.<sup>1</sup> There seem to have been at least nine districts and at least nine headmen (basileis) and at least nine district military commanders called *ko-re-te-re(s)*, the *ko-re-te-re(s)* being subordinates of the *lawagetas*.<sup>2</sup> Each headman had his council of elders, *ke-ro-si-ja* (i. e., *γερονσία*). The *wa-na-ka* had a palace deity of supreme importance.

<sup>1</sup> M. Ventris and J. Chadwick, *Documents in Mycenaean Greek* (Cambridge, 1956) 119-125; T. B. L. Webster, *From Mycenae to Homer* (London, 1958) 7-26. On the etymology of the word *basileus* see Alfred Heubeck, "Griech. βασιλεύς und das Zeichen Nr. 16 in Linear B," *Indogermanische Forschungen* LXIII (1958) 113-138, who interprets it as meaning the one in charge of τὰ βásiλα, the affairs of the clan or guild.

<sup>2</sup> M. S. Ruipérez, "*Ko-re-te-re* et *po-ko-re-te-re* à Pylos: Remarques sur l'organisation militaire mycénienne," *Études mycéniennes* (Paris, 1956) 105-119. But for these titles and that of the *da-mo-ko-ro* see also A. Heubeck, *Indogerm. Forsch.* LXIV (1959) 126-35.

In the Homeric poetry the word *anax* is still occasionally employed, though perhaps not with the precision of Late Hellenic *wa-na-ka*. The king of Pylos still appears, Nestor, who is both a basileus and the highest military commander of the Pylians. How far one can use the Homeric poetry to reconstruct conditions and define the terminology of the Bronze Age is a problem,<sup>3</sup> but there can be no question whether the Homeric poetry reflects the conditions and terminology of the Bronze Age. It does.

The Homeric basileus has a sceptre and a position rooted in religion. He is not like ordinary men; he has an immediate connection with a deity; in fact, he frequently converses with a deity. And the army he leads is called the *laos*, not the *demos*, though the latter word does occur.

One of the most important kingships of the earlier world reflected by the Homeric poetry is the single kingship of Sparta. As in the case of Nestor among the Pylians, so here too Menelaus is both a basileus and himself the highest military commander. He does not command through a *lawagetas* and he does not have a superior *anax* at Sparta, though Agamemnon, ἄναξ ἀνδρῶν, is superior to him as also to Nestor, on the plain before Troy.<sup>4</sup>

<sup>3</sup> M. I. Finley, "Homer and Mycenae: Property and Tenure," *Historia* vi (1957) 133-59.

<sup>4</sup> Many scholars, after E. Meyer, *Geschichte des Altertums* II (Leipzig, 1893) 167 ff. and M. Nilsson, "Das homerische Königtum," *Sitzungsber. Berlin*, 1927, 23-40, postulate a universal kingship as the real background. In the Iliad Agamemnon is certainly the leader of the whole expedition and is occasionally represented as king of all the Achaeans, but this universal kingship may have been a figment of the poet's imagination, an inference from the position of the king of Mycenae as the leader of the expedition as G. Jachmann, "Das homerische Königtum," *Maia*, N. S. vi (1953), 241-56, argues. The king of Mycenae is the most important king, but in the legends he could not command other kings to follow him as vassals.

Between the Mycenaean world and the early historical period lies a time of migrations and change. The single kingship of pre-Dorian Sparta has been replaced in the historical period by a republic which still presents kings but which does so in the form of a limited double kingship. We know that the Dorian migration has produced a great change, but it is no longer thought that the double kingship in this land where a complicated society had existed for centuries must be explained as derived from institutions which the rude Dorians had brought with them. Is it not possible or even likely that this arrangement reflected something in the pre-Dorian system of government? And even the undoubtedly new form of a polis organization was not just a Dorian phenomenon.

In what spirit did the transition take place from a divinely ordained king, who, as Hector prays for his son to Zeus and the other gods (Z 476-481), can *ἰφί ἀνάσσειν*? We may still examine a few records of the transition, and the first of these is the list or lists of Spartan kings. There were notoriously two royal houses at Sparta, the Agiads and the Euryponids. The names are given by Herodotus, I 67, V 75, VII 204, [VIII 131]<sup>6</sup> and Pausanias III 7. If we set up lists beginning with the eponymous ancestors and stopping with Demaratus, the last

<sup>6</sup> The genealogy of a collateral branch given by Herodotus VIII, 131 is not a list entirely of kings, and the nomenclature is not as significant. The extant text of Herodotus makes him say that all but two names are those of kings. Since numerals are notoriously subject to corruption, the change of "two" to "seven," suggested in order to bring Herodotus into agreement with the list of Pausanias, cannot be called a drastic alteration. On the other hand, the change from "two" to "five" proposed by den Boer, because both Demaratus and the first king of the collateral branch, Leotychidas II, had a sixth ancestor named Archidamus, may be paleographically preferable, since the change from B ("two") to E ("five") is palaeographically easier, but it would leave a serious discrepancy in Anaxandridas. I believe one or the other emendation to be almost necessary, *sed non liquet*.

king of the main branch of the Eurypontids, and with his contemporary Agiad, the names are as shown on the accompanying list.

THE AGIADS	THE EURYPONTIDS	
	<i>According to Pausanias</i>	<i>In Herodotus</i>
Agis		
Echestratus		
Leobotas	Eurypon	Euryphon
Doryssus	Prytanis	Prytanis
Agesilaus	Eunomus	Polydectes
Archelaus	Polydectes	Eunomus
Teleclus	Charillus	Charillus <sup>o</sup>
Alcamenes	Nicander	Nicander
Polydorus	Theopompus	Theopompus
Eurycrates	Archidamus	Anaxandridas?
Anaxander	Zeuxidamus	Archidamus?
Eurycratidas	Anaxidamus	
Leon	Archidamus	
Anaxandridas	Agasicles	Hegesicles
Cleomenes	Ariston	Ariston
Leonidas	Demaratus	Demaratus

The double kingship represents a compromise.<sup>7</sup> The Agiads are the older house, drawn from the old royal family. That

<sup>o</sup> The name is Charillos in Pausanias III 7, where the name occurs four times, and in Herodotus VIII, 131, 2. Moreover, Charillos is the reading of G in Plutarch, *Lycurgus* 3, 6. K. Ziegler, *Plutarchi vitae parallelae*, vol. III, fasc. II (Leipzig, Teubner, 1926), p. iv, says: "Ubi GL inter se differunt, ut utraque lectio sensu non careat, librum G potius sequendum duximus, quia L negligentius scriptum ac saepe pessumdatum textum praebet quam G." Having set this standard for himself, Ziegler should have chosen the reading Charillos of G instead of the reading Charilaos of L. He probably would have if G did not agree with L in *Lycurgus* 5, 8-9. Finally, Charillos is the only reading in Plutarch, *Cleomenes* 10, 8. The form Charillos has excellent attestation and should be accepted as the *lectio difficilior*. For hypocoristics ending in -λλος see August Fick, *Die griechischen Personennamen* (Göttingen, 1874) p. LI.

<sup>7</sup> The origin of the dual kingship has engaged the attention of other scholars and particularly A. Momigliano, "Sparta e Lacedemone e una ipotesi sull'origine della diarchia spartana," *Atene e Roma* XIII (1932) 3-11 with a contradiction by L. Pareti, "Postilla: Sull'origine della diarchia

the Spartans recognized them as the senior house appears to be unquestionable from Herodotus VI 51-52, though the reason for their seniority had been forgotten. Their descent is perfectly known like that of a Homeric hero. They have names suggesting the strength of an individual hero. One is called Echestratus, three (Leobotas, Agesilaus and Archelaus) have names compounded with *-laos* reminiscent of Homeric *basileis* guiding the *laoi*. The comparison of a Homeric hero with lions is one of the commonest, and two names (Leon, Leonidas) reflect the tradition here. For many generations no Agiad king bears a name representative of the damos or of the *nomos* or even of Nike.

Over the first Eurypontids there is disagreement reflecting attempts (1) to give the list the same number of generations as the Agiads have, (2) to accommodate an aetiological story about twins. Two names, Prytanis and Eunomus, are par-

spartana," *ibid.*, 11-13. The criticism which Momigliano directs against previous theories seems to me excellent. The dual kingship among the Epirotes is no parallel because the two Epirote kings came from the same house, and one cannot explain the dual kingship out of the triple division of the Dorians because you would have to assume that one tribe was overwhelmed by the other two. Momigliano sensibly argues that we understand the limitation of one king by means of another king as taking place at a time when it may have been impossible or rather unthinkable to destroy the monarchy, but he fails to establish with any real evidence his hypothesis that the dual kingship began as a kingship of the senior house (Agiads) up on Therapnae and a kingship of the junior house down at Sparta. Against Momigliano Pareti not only scores the absence of evidence but makes the point that neither of the Spartan kings had a palace. In my opinion this may well signify that neither kingship theoretically quite took the place of an independent pre-Dorian dynasty at Sparta. In my opinion the two houses began, not as a continuation of the old pre-Dorian paramount kingship, but as something else. Pareti still thought that they began as phylobasileis of the three Dorian tribes, but there is no evidence of this in Pausanias iv 7, 8 or anywhere else, and only two royal houses were remembered. The theory is contrary also to the evidence of Herodotus vi 51 who recognizes one house as senior to the other. Pareti of course



ticularly striking. The prytanis is an aristocratic replacement for kings. For instance, Diodorus VII frag. 9, 7 says that after the abolition of the old kingship at Corinth "the Heraclid Bacchidae, who were more than two-hundred, held the rule, and all of them together governed the city, and they chose one from themselves every year as prytanis." Eunomus, of course, reflects the aristocratic or citizen ideal of *eunomia* as a replacement for the arbitrary misgovernment of those who falsely pose as divinely selected kings. For many generations no Eurypontid king has a name compounded with *-laos*, while one has the name Nicander and five, specifically Archidamus I, Zeuxidamus, Anaxidamus, Archidamus II and Demaratus, have names advertising a close connection with the damos.

Names are usually traditional, hence very revealing. It seems to me that one can read the history of the kingship at Sparta from these. After the Dorian conquest a new dynasty

claims that the seniority of the Agiads was in the fifth century a recent development; this kind of special pleading for a theory might be acceptable if there were any evidence in favor of the theory, but Pareti's theory, however attractive by itself, has not a single shred of evidence to support it. Again W. Lenschau, "Agiaden und Eurypontiden," *Rb. Mus.* LXXXVIII (1939) 123-46 has a theory that the double kingship arose out of a synoecism of Amyclae (under an old Achaean house) and of Sparta (under Dorian Eurypontids), but this theory too is unsupported by evidence since the difference in nomenclature of the two royal houses neither needs to be so explained nor is plausibly so explained. The essential fact about the nomenclature was recognized by E. Meyer, *Geschichte des Altertums* II (Stuttgart, 1893) 562 (= 2nd ed. III 517), a deliberate contrast between damos names of the Eurypontids and the kind of names chosen by the other house. Meyer assumed that the younger house took up the championship of the democratic movement and that the older house avoided the damos names. This is close to my view but still not identical. The Agiads did not deliberately avoid damos names which they had no reason to adopt. The Eurypontids were, I think, raised to kingship by a republican movement of the aristocracy and were at first republican in an aristocratic sense. The Bacchiads too used damos names; at least the story about Damaratus of Corinth implies they did.

was established at Sparta by a λαγαγέτας.<sup>8</sup> We cannot claim that he entirely took the place of a pre-Dorian *wanax*, since in historical times no Spartan king had a palace. Perhaps the founder of the dynasty feared the displeasure of the palace goddess and avoided provocation, but in the names they gave to their sons the men of the Agiad house published a pretension to rule as hereditary incumbents of the office of *lawagetas*. The *lawagetai* became also priests of Zeus Lacedaemon, and as hereditary kings they had the essential powers of the pre-Dorian *wanax*. Even without a palace the Agiads were the royal house at an early period when there was only one royal house.

The power of the Agiads was subsequently limited by the aristocrats, who elevated a prytanis from their own ranks and obtained for him a position of parity as a second ruler. This was effected with the support of a group known as the damos who are attested in Mycenaean documents from the Peloponnese, though not from Sparta itself, as a group of landholders.<sup>9</sup> Another pre-Dorian post, that of the *da-mo-ko-ro* (PY Ta 711), may have determined the suitability of one particular house as champion of the damos, or the tradition of an aristocratic house as a patron of the damos may have done so.<sup>10</sup>

<sup>8</sup> The precivic Agiad king has a parallel in eighth century Phrygia, where a dedication was made for "Midas, the *lawagetas*, the king," (G. L. Huxley, "Titles of Midas," *Greek, Roman and Byzantine Studies* 11 [1959] 83-99). At Rome Servius Tullius may for a while have been less a king than a *lawagetas*, because among the Etruscans he was called Mastarna or Mcstrna, which is nothing more than the Latin word *magister*.

<sup>9</sup> Giovanni Pugliese-Carratelli, "Note su teste 'micenei,'" *Atti e Memorie dell'Accademia Toscana . . . La Colombaria* xxi (1956) 16-23. L. R. Palmer, "The Mycenaean Tablets and Economic History," *The Economic History Review*, Ser. 2, xi (1958-9) 87-96.

<sup>10</sup> One might compare the traditional concern for the *populus* which brought the patrician Valerii of the early Roman Republic the cognomen Poplicola. The Valerii were no demagogues. Since the higher forms of

Finally the curious name Eunomus suggests, as does the name Prytanis, that an attempt was being made to fill a gap. Even so, the names chosen are revealing. But the name Eunomus does not have to be so explained; it may reflect the enthusiasm of a father during the period when the struggle for a civic constitution was still going on or fairly recent. It was a fine name at that period for a champion of the damos and in fact its use as a personal name continued into historical times.

From Herodotus VI 56 we know that the one king was priest of Zeus Lacedaemon, while the other was priest of Zeus Uranius. If the second kingship developed as an aristocratic counterweight, one priesthood is doubtless younger than the other, a later creation when the would-be "prytanis" was raised to parity in an attempt to create a *kosmos*, i. e., a political order. The priesthood of Zeus Uranius which Herodotus mentions in second place, may have been a new priesthood for an old aspect of Zeus.

At Sparta, accordingly, the ancient kingship did not come to a violent end with the establishment of a republic but survived in a compromise as the kingship of the senior house. The ancient kingship has in classical Sparta lost its dominating position and has been reduced in its position of military leadership, but the rites of the old cult served by the kingship have been scrupulously preserved. In other places, however, the ancient kingship upon the establishment of a republic was usually abolished as at Rome. The *rex sacrificulus* and less clearly at Athens the *basileus* (after 682/1) are not survivals of the ancient kingship, but are surrogates established by aristo-

Italian community life owed much to the example of community life among peoples from the eastern Mediterranean, one may ask whether a connection did not exist between the Helladic title *da-mo-ko-ro* and the cognomen Poplicola. The cognomen Poplicola may have been given either by the people in appreciation or by the *gens* itself as an expression of intentions.

crats who would not risk offending the god who had supported the ancient kingship.<sup>11</sup>

There seem to have been two tendencies; one was to replace the old kingship by an annually rotating one-man prytaneia, the other was to replace the old kingship by a dual republican magistracy, which at first may not have been annual at all. If we hit the mark in tracing the double kingship of the Spartan republic to the Dorian and pre-Dorian *lawagetes* and *damokoros*, we have no right to assume that the polemarch and the archon, who also may be analogous to functional descendants of a *lawagetes* and *damokoros*, began as annual magistrates. At Sparta in the historical period the kings ruled for eight years at a time, and then a watching of the sky took place for an indication of divine displeasure before the kings were allowed to begin a new term (Plutarch, *Agis* 9). It is natural to expect that some such limitation occurred on the magistracy at Athens, and the statement in the *Ath. Pol.* 3 that of old the magistrates ruled for ten years may easily be true. The Athenian Republic began at least theoretically when the descendants of Codrus (or Medon) relinquished their claim to the absolute power of the old kingship and recognized the existence of a republic in which they, i.e. the incumbent basileus, continued to carry on certain priestly and patriarchal duties and enjoyed a ceremonial parity with the chief archon at public functions. The republic begins, I think, with the establishment of the chief archonship, never an office for life, but at first perhaps a decennial office. With the establishment of the second republic in 682/1 the chief archonship became an annual office, but another Athenian republic had

<sup>11</sup> As Ugo Coli, "Stati-città e unioni etniche nella preistoria greca e italica," *Studi in onore di Pietro de Francisci*, iv (Milan, 1956) 505-533, says at p. 511.

already preceded with a magistracy dating traditionally from 752/1 or thereabouts.<sup>12</sup> At the same time (682/1) a third (annual) archonship was created to bear the title and carry on the republican duties of the *basileus*.

At Athens the archon takes precedence over the polemarch, who is an older official, a functional descendant of the *lawwagetas*. At Sparta the functional descendant of the *lawwagetas* takes precedence. At Rome in the case of the two consuls (or *praetores consules*) the fasces, which suggest the military command of a *lawwagetas*, alternate from month to month. In earliest Etruria a city had a *rex* called *lauχume*, which looks like the title of a pre-republican *lawwagetas*. There was naturally much local variation with many cross-currents of influence and occasional resort to tyranny disguised as a life-term magistracy or even as kingship.

The king's power, as Nilsson<sup>13</sup> says of the Mycenaean king, had been rooted in the king's religious position. The king used to be appointed by Zeus who gave him the sceptre and the power to rule. The people merely ascertained who was the chosen of Zeus, and then acclaimed him. The king in appointing his own successor might speak for Zeus or seem to do so, or the people might be guided by a sign. But when conditions changed and a king was no longer indispensable, it seemed that misinterpretations had occurred. The gods no longer appeared to want anyone to be king, and when there were no more genuine kings, eventually a breakdown of order

<sup>12</sup> T. J. Cadoux, "The Athenian Archons from Kreon to Hypsichides," *JHS* LXVIII (1948) 88 f. The historicity of the decennial archonship is usually denied, but the ancient tradition is strong and the parallel with the kingship which as an early magistracy survived at Sparta rather confirms it. Behind the cycle of eight or ten years for a magistrate lies a similar cycle for a king (*Od.* xix 179).

<sup>13</sup> Most recently in the *Geschichte der griechischen Religion* I<sup>2</sup> (Munich, 1955), 418.

might require the establishment of a new religious basis. When a civic regime was then instituted, the Zeus who established kings and, if there was one, the special palace goddess of the king, did indeed survive. But at this time they were also changed by being adopted with new epithets in another role as patrons of the free community, or another Zeus was added who would be the patron of the free community. Just as the household gods are nominally the same from small family to small family and yet distinct in their ritual and protected group, so when the large family religiously and legalistically ceases to be the household of the king, Zeus and Athena are still Zeus and Athena, but they no longer are the Zeus and Athena who protect kings. They become the Zeus and Athena who protect the community of free men directly in other ways, even against kings. For the gods have themselves first repudiated kings and called for a new order.

A good example of what occurs when a civic regime is instituted may be found in the story of Maeandrius as told by Herodotus III 142. Maeandrius had been appointed as regent by Polycrates who was basileus of Samos, and he held the sceptre. On the news of the death of Polycrates, Maeandrius, who had always been an opponent of monarchy, determined to "free" the Samians by establishing a civic regime. First he laid out an altar and precinct of Zeus Eleutherius away from the royal residence. This was the most important step. After this had been done, he called an assembly of the citizens and made a speech notable for its antimonarchical sentiment. He emphasized his possession of the sceptre and the power. Of course, the *dynamis* or power which he mentions was not quite the kind of inner power from Zeus that the old kingship was supposed to represent; instead it was a tyrant's power, but the word *dynamis* obscured the difference, which

aristocrats refused to recognize in any case. For Maeandrius as for other aristocrats Polycrates had never been a genuine king; rather Polycrates, though called *basileus*, had really been a tyrant lording it over men who were no less close to the gods than he himself, i. e. Polycrates was just as much an ordinary man as any other aristocratic Samian. The only rewards Maeandrius asked were six talents from the wealth of Polycrates and the honor and perquisites of the priesthood of the new cult for himself and his descendants. In the end, however, he was frustrated by the ambition of individual aristocrats and the apathy of the *demos*.

Another example might be the procedure at Syracuse upon the overthrow of the tyranny in 466/5 B.C. Diodorus XI 72, 2 relates: "When they had overthrown the tyranny of Thrasybulus they called an assembly, and having discussed plans to establish a republic for themselves, they voted unanimously to erect a colossal statue of Zeus Eleutherius and to sacrifice *eleutheria* every year and to hold splendid games on the day on which they had overthrown the tyrant and made the fatherland free." The decision to erect a colossal statue of Zeus Eleutherius suggests that here too they had once laid out and dedicated a sanctuary of Zeus Eleutherius.

A more successful attempt to found a civic community is attested for Sparta. The kingship was not abolished but revamped as an institution within the civic constitution, so that the kingly power, much reduced, was divided between two men, who were primarily priests and war-time commanders of the army. In time of peace, apart from their religious duties and special privileges, they performed judicial and representative functions. The aristocrats controlled the community and exerted their control through the *Gerusia*, no longer a theoretically dependent council of elders to assist and

advise the king but the recognized government of the city for much of its public business, a corporation of exactly thirty members including the two *archagetai* (i. e. the kings). The aristocracy, as before, planned for the whole community, but did so by law. And now it was the assembly which made the main decisions on the plans of the aristocrats, at least in theory.

When and how this compromise was worked out is lost in the mists of legend, but it is probable, after den Boer's *Laconian Studies* (Amsterdam, 1954), that the compromise was enacted into law by means of an oracular sanction which has come down to us in the slightly garbled Great Rhetra, preserved and explained by Plutarch, *Lycurgus* 6. It has been argued that the Rhetra cannot be an authentic foundation document because it assumes the previous existence of the Gerusia. This is not a valid objection. Elders, phylae and king, even the damos,<sup>14</sup> existed before the civic community. In the writer's opinion the establishment of the sanctuary shows that, though Plutarch may have been thinking of the Gerusia primarily, and though this is indeed the moment when the Gerusia gained its great power or recognition *de iure*, we are not dealing with an incident which concerned the Gerusia alone but with the initiation of a civic regime for the whole community. It is the oracular blessing so to speak, for a change in a ritual that was both religious and political. The Rhetra, the Greek text of which we shall presently examine, reads as follows.

Consecrate an area to Zeus Syllanius and Athena Syllania, perfect <in a new census> your phylae and obes, set up a Council of Thirty as a Gerusia including the magistrates. Hav-

<sup>14</sup> Giovanni Pugliese-Carratelli, "Note su testi 'micenei,'" *Atti e memorie dell'Accademia Toscana di Scienze e Lettere, La Colombaria*, xxi, 1956 (published in 1957), pp. 1-23 at pp. 16-21.



ing first done these things, you shall hold apellae from season to season between Babyka and Knakion. Under that sponsorship, in that organization, under that guidance, at that time and place, one shall introduce plans and make final decisions. The damos of landowners shall have the right to decide in full assembly.

The parallel with the establishment of civic constitutions at Samos and at Syracuse shows that Zeus and Athena are here the *theoi eleutherioi* under a different name. Actually Zeus Syllanius and Athena Syllania are mentioned only in the slightly garbled Great Rhetra. These epithets which characterize Zeus and Athena as the *theoi eleutherioi* must in some way be connected with the *sioi hellanioi*, i. e. the Laconian dialectical form of *theoi hellenioi*. The emendation <Ε>λλανίου was proposed by Bryan, adopted by Valckenaer and some editors and accepted in the Greek-English Lexicon. It has been attacked and replaced by other emendations that have no political justification, but, as far as I see, it has never been defended. It may easily be explained either as a simple misreading of ΕΛΛΑΝΙΟΤ→ΣΑΛΑΝΙΟΤ→ΣΥΤΑΛΑΝΙΟΤ in the text of Plutarch or better as an error of dictation, a mishearing of Διὸς Ἑλλανίου καὶ Ἀθανᾶς Ἑλλανίας. The emendation is supported by the fact that Pausanias III, 12.5 mentions a Hellenion at Sparta near the Agora. The Hellenion was a gathering place which, I think, may have acquired its name from dedications to the *hellenioi theoi*. There is not only this confirmation but, I think, even proof, because the *theoi hellenioi* were indeed the *theoi eleutherioi*, as the following passages indicate.

In Herodotus V 91 the Spartans tell their allies that they have repented their part in the expulsion of the Pisistratidae and have called the allies together to help them restore Hip-

pias. Then in V 92 Socles the Corinthian begins: "Verily the sky will be beneath the earth and the earth will float above the sky, and men will have their pasture in the sea and fish will feed where is the pasture which men formerly had, when you, oh Lacedaemonians, abolishing *isokratias*, prepare to restore, to our civic communities, tyrannies, than which nothing among men is more unrighteous and murderous." And he concludes after a long and inappropriately charming speech with a solemn appeal to the Spartans in the name of the *hellenioi theoi* not to restore tyrannies to the civic communities, not to restore Hippias.

Then in V 93 Hippias arises and tries to convince the allies that his restoration is actually in the interest of civic constitutions. He has had access to much information with which the other Greeks are unacquainted, referring to the family collection of oracles, and he implies that a free Athens will someday deprive the other Greek cities of their freedom. Hence he tries to turn the tables on Socles and appeals to the allies by the *hellenioi theoi* lest Athens become the tyrant city of the Aegean.

Two more references to *hellenioi theoi* by Herodotus may be added to those just cited. In V, 49, 2-3 Aristagoras of Miletus says to the Spartans: "For the sons of the Ionians to be *douloi* instead of *eleutheroi* would be a reproach and a grief very great for us ourselves, but among the rest still more so for you inasmuch as you are the champions of Hellas. Therefore, do you now, in the name of those who are the *hellenioi theoi*, save the Ionians from *doulosyne*! They are men of the same blood as you."

In IX, 7a, 2 the Athenian ambassadors, who have gone to Sparta after the Great King's offer of an alliance on equal terms and of a territorial increase and have so informed the

ephors, continue: "But we, who had taken Zeus Hellenius as our sponsor and considered it a dreadful thing to betray Hellas, did not agree but refused." Actually the Zeus here meant was called Zeus Soter or Zeus Eleutherius at Athens,<sup>15</sup> but the term Zeus Hellenius is the natural one to use at Sparta.

By way of contrast with the *theoi eleutherioi* or *hellenioi* it is interesting to notice how Herodotus treats the *theoi basileioi*.

A community organized under a king finds its protection in the *theoi basileioi*. Hence when Cambyses learns that a Median usurper, pretending to be the son of Cyrus, has seized power, Herodotus III, 65, 6 represents the dying King as saying: "I invoke those who are the *basileioi theoi* and enjoin upon you, both upon all of you and particularly upon those Achaemenids who are present, not to tolerate that the hegemony come around once more into the hands of the Medes."

The *theoi basileioi*, who were supposed to protect the despotic non-civic basileus through whom the Persians obtained blessings, may have had some power to injure Hellenes directly because Histiaeus of Miletus came to a bad end. However, Herodotus does not draw the inference. In V, 106, 6 Herodotus represents Histiaeus as deliberately perjuring himself by the *basileioi theoi* when he swore that if the Great King let him go down to the coast, he would never change his chiton until he had consoled Darius for the burning of

<sup>15</sup> The tradition represents the epithet Eleutherios as a comparatively late one for Zeus at Athens. Hyperides presumably thought it arose in the fifth century; at least he connected it with a story that freedmen had built the stoa (Harpocration, s.v. 'Ελευθέριος Ζεύς: cf. R. E. Wycherley, *The Athenian Agora* III [1957] nos. 26 and 27). Didymus, however, corrected Hyperides and explained more convincingly that the epithet recognized the role of Zeus in freeing Athens from the Mede. The epithet may have risen late to popularity though the area had long been sacred to Zeus Soter.

*Sardis* by subjecting *Sardo* to him. The *theoi basileioi* are for Darius the most sacred gods, but for Histiaeus who has no fear of their displeasure they are of no importance whatsoever. Therein lies part of the humor. Whether or not Histiaeus ever intends to change his chiton again, he surely never intends to win Sardinia for the King.

The ancient koinon of the Thessalians expressed its unity and freedom in two Thessalian cults, in that of Zeus Eleutherius at Larisa and in that of Athena at Iton. The Thessalian League too had been organized under the sponsorship of Zeus Eleutherius because the decrees *IG IX* (2) 507 and 508 were to be erected in his sanctuary, while *IG IX* (2) 509 mentions his priest as an officer of the League. Here as elsewhere the adjective *eleutherios* could be reinterpreted and receive a new meaning. Zeus Eleutherius is not attested as the patron deity of the Thessalians until the second century B.C., but the cult need not have been established late. It may well have arisen at much the same time as the other ancient cults of Zeus Eleutherius. This may remind us that although the city state tended more and more to be the normal type of Hellenic community, the real division along religious lines was between the free Hellenes and the rest. The free Hellenes, in my interpretation the followers of Zeus Eleutherius (or Hellenius), could be religiously and politically organized either as poleis or as ethnê.

In this connection it may be remembered that at Rome in the (traditionally) first year of the Republic the temple of Jupiter Optimus Maximus was dedicated on the Capitol.<sup>10</sup> In

<sup>10</sup> Carl Koch, *Der römische Jupiter* (Frankfurter Studien xiv [1937]), especially 121-26, correctly emphasizes the bond that unites Jupiter Optimus Maximus and the state, but in comparing this Roman Jupiter with Zeus, he chooses the Zeus of literature and particularly of the poets, for a contrast, instead of comparing him with the Zeus of Greeks who wished to establish

fact Livy VII 3, 5 says that the old law concerning the *clavus annalis* to be driven into the wall of the temple by the earliest magistrate (*infra* Ch. II) *fixa fuit dextro lateri aedis Iovis Optimi Maximi ex qua parte Minervae templum est*. The dedication may have had the kind of significance that the establishment of a sanctuary of a *hellanios* or *eleutherios theos* had in a Greek republic. Moreover, the Jupiter previously worshipped by the Romans was Jupiter Rex, as Livy III 39, 4, Cicero, *De rep.* 3, 13, 23 and Dionysius II 5, 1 attest. Just as Jupiter Rex continued to receive certain honors at Rome, so it is likely that in a Greek city the old Zeus who operated through a king continued to receive certain honors. At Sparta, in fact, the cult of Zeus Lacedaemon, of which the king of one house (doubtless the senior house) retained the priesthood, looks, to me at least, like the old cult of the local Zeus of Lacedaemon, the former patron of the king and his *regnum*. The priesthood of Zeus Uranius, held by the king of the other house, may well have been a cult especially created, or separated later, to achieve a kind of parity for the king of the junior house. Herodotus VI 56 does not say that the cult of Zeus Lacedaemon belonged to the king from the senior house, but by mentioning the priesthood of Zeus Lacedaemon ahead of the priesthood of Zeus Uranius he implies that it is the priesthood of the senior house.

But we must return to the Great Rhetra, the cardinal document for the establishment of a civic constitution.<sup>17</sup> We have

a republic. See also G. de Sanctis, *Storia dei Romani* iv 2, 1 (Florence, 1953) 130-136. Of course the Roman symbol has a remarkable character of its own, but it is not, I think, absolutely original.

<sup>17</sup>The Great Rhetra as a constitutional act is scathingly analyzed by Eduard Meyer, *Forschungen zur alten Geschichte* (Halle 1892) 1 pp. 261-269, who says: "Auf die lykurgische Rhetra lässt sich ein Staat so wenig gründen wie etwa auf die Menschenrechte Lafayette's, . . . die Rhetra ist

offered a free translation of it above in treating the symbolism of Zeus and Athena as *sioi hellanioi*. Now we shall examine the Greek text itself. Plutarch, *Lycurgus* 6, states that the lawgiver developed such an interest in a Gerusia that he went to Delphi and obtained an oracle concerning the matter, the oracle called Rhetra:<sup>18</sup>

nichts anderes als eine Formulierung der im spartanischen Staate bestehenden Ordnung, aber nicht etwa die Grundlage, auf der diese letzte aufgebaut ist." Meyer accepted Plutarch's account as derived from Aristotle, but he maintained that when Aristotle reported it as Lycurgan the Rhetra was at most fifty years old. Most scholars today would agree that the institutions mentioned were not being broached for the first time but they would date the Rhetra in the seventh or eighth century just the same. That is, most scholars would not regard the Rhetra as a fourth century forgery naively accepted as genuine by Aristotle.

<sup>18</sup> A full bibliography of the Great Rhetra would include all the modern editions of Plutarch's *Lycurgus* and L. C. Valckenaer, *Theocriti decem epyllia* (Leyden 1773), Digressio iv, Laconica quaedam exhibens, pp. 291 f. Among discussions antedating Ed. Meyer's epoch-making article the most important is that of L. Urlichs, "Über die lykurgischen Rhetren," *Rb. M.* vi (1848) 194-242. Ed. Meyer's article, "Die Entwicklung der Überlieferung über die lykurgische Verfassung," *Rb. M.* xli (1886) 560-91 and xlii (1887) 80-101, was republished in his *Forschungen zur alten Geschichte*, i (Halle, 1892) 213-44. Subsequent studies: J. Toepffer, "Die Gesetzgebung des Lykurgos," *Beiträge zur griechischen Altertumswissenschaft* (Berlin, 1897) 349-62; V. Ehrenberg, *Neugründer des Staates* (Munich, 1925) 7-33; K. Ziegler, "Plutarchstudien," *Rb. M.* lxxvi (1927) 20-53; V. Ehrenberg, "Der Damos im archaischen Sparta," *Hermes* lxxviii (1933) 288-305; A. Andrewes, "Eunomia," *Cl. Q.* xxxiii (1938) 89-102; W. Lenschau, "Agiaden und Eurypontiden," *Rb. Mus.* lxxxviii, 1939, 140; Max Treu, "Der Schlusssatz der grossen Rhetra," *Hermes* lxxvi (1941) 22-42; A. von Blumenthal, "Zur lykurgischen Rhetra," *Hermes* lxxxvii (1942) 212-15; H. T. Wade-Gery, "The Spartan Rhetra in Plutarch's *Lycurgus* vi," *Cl. Q.* xxxvii (1943) 62-72 and xxxviii (1944) 1-9 and 115-26 (= *Essays in Greek History* [Oxford, 1958] 37-85); J. L. Myres, "Eunomia," *Cl. Rev.* lxi (1947) 80-82; K. M. T. Chrymes, *Ancient Sparta* (Manchester Univ. Press, 1949) 475-89, Appendix VI, "Delphi and the Rhetra of Lycurgus"; N. G. L. Hammond, "The Lycurgan Reform at Sparta," *J.H.S.* lxx (1950) 42-64; W. den Boer, *Laconian Studies* (Amsterdam, 1954) 153-96; A. G. Tsopanakes, *La rhétre de Lycurgue, l'annexe, Tyrtée* (Salonica, 1954); F. R. Adrados, "Sobre la retra de Licurgo, con una nueva conjetura," *Emerita* xxii (1954) 271-77;



κρίν' ἄνδρας κατὰ φύλα, κατὰ φρήτρας, Ἀγάμεμνον,  
 ὡς φρήτρη φρήτρηφιν ἀρήγη, φύλα δὲ φύλοις.  
 εἰ δέ κεν ὥς ἔρξης καὶ τοι πείθωνται Ἀχαιοί,  
 γνώσῃ ἔπειθ' ὅς θ' ἡγεμόνων κακός, ὅς τέ νυ λαῶν,  
 ἦδ' ὅς κ' ἐσθλὸς ἔησι· κατὰ σφέας γὰρ μαχέονται.

Just as Agamemnon was not invited to institute tribes and phratries but to make use of existing divisions, so the Spartan is invited to make use of existing divisions. The phylae and obae were already there. Phratries were subdivisions of phylae at Sparta also, and therefore obae ought not to be considered subdivisions of phylae in quite the same sense. While phylae and phratries are gentilician units, the obae appear to be territorial divisions.<sup>19</sup> The Spartans assemble in tribes, but the tribesmen are then divided according to the territories where they own land. There are two criteria of full status, membership in a phyle which can be achieved only by religiously recognized descent from another member of the phyle, and ownership of land in an oba, i. e. membership in the oba's group of landholders. For the tradition of a double division it may be worth citing Cicero, *Laws* III, 7: *censores . . . censento . . . populique partes in tribus distribuunt: exin pecunias, aevitates, ordines partiunt*.

The purpose both in the Homeric passage and in the Great Rhetra is to check up on each other's quality or qualification. They need to know who the good men are. There are yet no written lists, but the clansmen and neighbors will know. Thus Agamemnon will find out who are good in battle. The Spartan needs to recognize, as it were, the *boni et locupletes*,

<sup>19</sup> The *obai* are an old problem for which see V. Ehrenberg, *RE* xxxiv (1937) coll. 1693-1704, s. v. "Obai," but compare A. J. Beattie, "An early Laconian lex sacra," *Cl. Q.* xlv (1951) 47-50, W. den Boer, *Laconian Studies* (Amsterdam, 1954) 171-7, and Fritz Gschnitzer, *Abhängige Orte im griechischen Altertum* (= *Zetemata*, Heft 17 [1958]), 61-67.



an old Latin expression still current at the end of the Roman Republic. The marshalling of an assembly of citizens follows the pattern of the marshalling of the army for battle. A new census had particular importance at the beginning of a new order, for religious reasons; evil or accursed individuals would have to be eliminated lest they pollute the others (as in Hesiod, *Works and Days* 240 ff.).

The word ἀρχαγέται, in my opinion, means "chief leaders" and is of a different type from λαφαγέται.<sup>20</sup> While the *lawagetas* was the leader of the *laos*, the *archagetas* was not the leader of the persons who constituted the government (*archa*) so much as the chief leader or originator. The word usually means "author," "founder" or "chief sponsor," but occasionally the element ἀρχ- may have been felt as a verbal object like *lao-* rather than as a qualifying prefix (ἀρχε-) for a noun. The distinction would perhaps have escaped early Spartans, but it is unlikely in view of the names of Agiad kings that a contrast between the old status for one house and that of the chief leaders of a republic was being expressed with emphasis. There is certainly no evidence that the old word *basileus* was temporarily avoided in the *sermo publicus*. I think it is possible that the word *basileus* was not yet reserved by custom for the two chief leaders, and that the word *lagetai* would have seemed inappropriate, not only to the new position of both kings but to the old position of one. The best parallel occurs in Aeschylus, *Suppl.* 251, where Pelasgus, represented as a king or prytanis in a republic, describes himself as τῆσδε γῆς ἀρχηγέτης.

The phrase ὥρας ἐξ ὥρας (Wilamowitz: ὥρα<ι>ς ἐξ ὥρα<ν>) ἀπελλάζειν implies fixed times of meeting for the assembly of

<sup>20</sup> On words compounded with -ηγέτης see Pierre Chantraine, *Études sur le vocabulaire grec* (= *Études et commentaires* xxiv [1956]) 88-92.

the first-class citizens. The Assembly will henceforth meet not only at times of crisis but also regularly at certain "seasons." What these seasons are I do not know. There is no ground for equating the seasons with months. The regular meeting may, as den Boer thinks, have occurred no more often than once a year.

The phrase *μεταξὺ Βαβύκας τε καὶ Κνακιδῶνος* indicates a regular place of meeting, which may well be traditional.

The phrase *οὕτως εἰσφέρειν τε καὶ ἀφίστασθαι*, of which the subject is Lycurgus (for the Spartiate community) or indefinite,<sup>21</sup> means to introduce proposals and to make final decisions (so Ehrenberg). The verb *ἀφίστασθαι* may be compared with the middle voice of the simple verb in Herodotus II 35, *Αἰγύπτιοι . . . ἐστήσαντο ἡθεὰ τε καὶ νόμους*, or with the verb *ἀποφαίνω* which in the middle voice commonly means to render judgment. In so Laconic a document as the Great Rhetra, it was surely unnecessary to order them to adjourn when they finished; any such interpretation of *ἀφίστασθαι* seems to me quite inconsistent with the *sermo publicus* and generally quite unacceptable. Of course only the kings and elders had ever been speakers. There was no change in this respect. The change lies rather in the word *οὕτως*, which indicates the special pertinence of all the aforesaid as orderly organization and preparation for the new role of the assembly of first-class citizens. We are indeed dealing now with the assembly, as is clear from the word *ἀπελλάζειν* in the previous clause, which Plutarch himself paraphrases with *ἐκκλησιάζειν*.

The corrupted clause *γαμωδανγοριανημην (νιμην Ζ) καὶ*

<sup>21</sup> It seems a curious interpretation of Hans Rudolf, "Die Lykurgische Rhetra und die Begründung des spartanischen Staates," *Festschrift Bruno Snell* (Munich, 1956) 61-76, that the subject is the king as an institution. The article, vitiated by arbitrary assumptions, makes very little progress.

κράτος is fortunately explained by Plutarch in these words: τοῦ δὲ πλήθους ἀθροισθέντος εἰπεῖν μὲν οὐδενὶ γνώμην τῶν ἄλλων ἐφέετο ("was permitted"), τὴν δ' ὑπὸ τῶν γερόντων καὶ τῶν βασιλέων προτεθεῖσαν ἐπικρίναι κύριος ἦν ὁ δῆμος. Attempts to heal the corruption by emending δάμω (for γαμω) or δαμωδᾶν should in my opinion not be considered, because, as Tsopanakes argues,<sup>22</sup> Plutarch's word δῆμος would have protected the text against such a corruption, which is palaeographically unlikely anyway.

It is better to work from the sound to the unsound. In the garbled clause the last two words καὶ κράτος are, I think, perfectly preserved. Ziegler and Miss Chrimes expunge them arbitrarily, and Tsopanakes has ventured an alteration here in an infelicitous development from a true observation, namely that voting was by acclamation at Sparta. But it was surely unnecessary to instruct the assembly how to pitch their acclamations; hence the emendation κακ (= κατὰ) κράτος must be firmly rejected. We are left with the necessity of explaining καί. The economical style of early documents really excludes the possibility of taking καί as a particle. It almost has to be a conjunction. Accordingly one would expect in the word immediately preceding either the other noun or an infinitive.

The word ἤμην is attested at Gortyn, Dreros and other places as a Doric infinitive meaning "to be." The infinitive is ἤμεν at Sparta in extant inscriptions, but ἤμην could have been an old form, and it is better to proceed on this assumption than to emend. It was in fact the form used in neighboring Elis.

Then we have a word ending in -γορίαν, surely a compound of -αγορίαν. The letters ΔΑΝΤΟΡΙΑΝ were interpreted by

<sup>22</sup> A. G. Tsopanakes, *La rhétorique de Lycurge, Parnexe, Tyrée* (Salonica, 1954) 12.

Treu and others as representing δ' ἀν<τα>γορίαν. In view of Plutarch's explicit statement that the demos was not permitted to make proposals but was allowed to judge only the proposals submitted by kings or elders, the word ἀνταγορία in the natural meaning "contradiction" cannot be considered. If it could have meant "responding acclamation," it might still be considered, for, as Tsopanakes reminds the reader, the Spartans voted in the ancient way, not by show of hands, but by shout of approval or stoney silence. The fact remains that the meaning "shout of approval" or "responding acclamation" is not attested for this word and seems unlikely here because the thought is in a sense already implied in the word κράτος, as we shall see. Furthermore, the particle δ', while quite possible, does not accord with the asyndetic style of the rest of the Great Rhetra. One may prefer to see in ΔΑΝ a misreading of ΑΝΑ rather than an error like δ' ἀν<τα>, since Δ is a common misreading for Α, and Α a common misreading for Ν, and Ν a common misreading for Α. With the letters reconstructed as ΑΝΑΓΟΡΙΑΝ the word might be ἀναγορίαν or <π>αναγορίαν, because Π and Ω are so often confused that the Π after Ω would be almost as easily dropped as in ordinary haplography.

While ἀναγορίαν, proposed by C. F. Hermann, does not seem to give the right sense, the word παναγορία does. It is attested in a Peloponnesian, in fact neighboring, milieu of the fourth century B.C. in the best possible way, namely by an inscription,<sup>23</sup> where it means a religious gathering or fair. But in the early polis a clear distinction between a religious and a political gathering might not yet have been made. The word <π>αναγορίαν certainly has a great advantage in that it provides something corresponding to Plutarch's phrase τοῦ δὲ

<sup>23</sup> Cauer-Schwyzler, 657, line 21.

πλήθους ἀθροισθέντος. The usual Homeric word for "assembly" was ἀγορά. At Athens the word ἀγορά, though not used for a meeting of the whole demos, was regularly used to indicate the meeting of a deme or single tribe in its tribal assembly.<sup>24</sup> Words like πανήγυρις and πλήθος were often used about a meeting to emphasize a more inclusive character. One may assume that Plutarch in paraphrasing the Great Rhetra deliberately employed the word πλήθους because he was rendering some such phrase which indicated an ἀγορά of the whole.

As another possibility, however, it occurs to me that the letters ΔΑΝΤΟΡΙΑΝ may have been a misreading of ΜΑΓΟΡΙΑΝ. The word ὁμαγορίαν is not attested, but just as παναγορία existed beside πανήγυρις, so ὁμαγορία would have been possible beside ὁμήγυρις, and omicron too could have been lost after omega almost as easily as in ordinary haplography. The word suits Plutarch's paraphrase equally well, and I am inclined to adopt it as preferable because the term ὁμήγυρις is even closer to the required sense than πανήγυρις and because of several Homeric parallels for words from the same root and prefix such as Iliad I 57

οἱ δ' ἐπεὶ οὖν ἤγερθεν ὁμηγερέες τ' ἐγένοντο,

and Odyssey XVI 376-7

πρὶν κείνον ὁμηγυρίσασθαι Ἀχαιοὺς  
εἰς ἀγορήν.

There remain the initial letters ΓΑΜΩ. Some have wished to heal the corruption by merely changing the gamma into a delta, but the gamma is then not explained. Tsopanakes, rejecting this oversimple, palaeographically unlikely interpretation, proposes the reading γα<ιά>δαν, which of course im-

<sup>24</sup> *Att. Pol.* 48,4; *IG* II<sup>2</sup> 1140, 1141 and 1165.

pinges upon what I have just proposed as the second word. One serious disadvantage in Tsopanakes' emendation is that it leaves the omega unexplained. And is the word γαιάδας itself correctly transmitted?

Hesychius (ed. Latte) records γαιάδας as a Laconian word for demos. He surely had a tradition about some obsolete word for demos, but γαιάδας, otherwise unattested, has the appearance of a corruption. The first element γαια- seems correct because γαια- is attested at Sparta as a prefix in the word γαιάφοχος of the fifth-century inscription IG V (1) 213 = Buck<sup>2</sup> 66, and outside Sparta as γαια- and γαιη-. The corruption then is localized in the second element -δας, for which I suggest the emendation -δα<μο>ς. An example of -δαμος as the second element of a compound occurs in the Laconian word πάνδαμος. Thus we recover as an ancient Laconian term for demos the word γαιάδαμος.

To return to the Great Rhetra, the first four letters of the garble are clearly a corruption. They cannot be explained as <δ>άμψ or <δ>αμω<δῶν>, because Plutarch's paraphrase would have protected the delta from turning into a gamma, but they can be explained either as γ<αιαδ>άμψ or γαμ<όροις>,<sup>25</sup> because a mere omission can easily have occurred. Since Hesychius actually attests as a Laconian term for demos a word very like γαιάδαμος and Plutarch uses the word demos in his paraphrase of this part of the Great Rhetra, it seems to me preferable to claim that Hesychius and the Great Rhetra supplement each other and to adopt in the latter the reading γ<αιαδ>άμψ <όμα>γορίαν (or <πανα>γορίαν) ἤμην καὶ κράτος. To express it in another way the easiest explanation of the

<sup>25</sup> Or γαμ<όρων>. With either case of γαμ<όροι> the following omega could be interpreted as a mere misreading of omicron or pi, so that ΩΔΑΝΤΟΡΙΑ would be taken as a simple garble of παναγορία or of δμαγορία.

initial gamma of this clause in the Great Rhetra is as a vestige of an old Laconian word for damos; the easiest way of taking Hesychius is to assume that his source really did know an old Laconian word for damos with an initial gamma. Since it would be too coincidental to find two such words with an initial gamma, they are probably identical. In fact the ultimate source of Hesychius probably found the word in the Great Rhetra. Whether the form  $\gamma\langle\alpha\iota\alpha\delta\rangle\acute{\alpha}\mu\omega$  be construed as genitive or, preferably, as dative, the meaning is: "the gaiadamos shall gather in full and have the right of decision."

For the emphasis given to  $\kappa\rho\acute{\alpha}\tau\omicron\varsigma$  we refer the reader to Herodotus III 81, where "to establish a republic" is expressed by the phrase  $\epsilon\varsigma\ \tau\omicron\ \pi\lambda\eta\theta\omicron\varsigma\ .\ .\ .\ \phi\acute{\epsilon}\rho\epsilon\iota\nu\ \tau\omicron\ \kappa\rho\acute{\alpha}\tau\omicron\varsigma$ , and to the *Ploutoi* of Cratinus:

$\acute{\omega}\varsigma\ \delta\acute{\epsilon}\ \tau\upsilon\rho\alpha\nu\nu\acute{\iota}\delta\omicron\varsigma\ \acute{\alpha}\rho\chi\eta\varsigma\ \sigma[\tau\acute{\epsilon}\rho\epsilon\tau\alpha\iota],$   
 $\delta\eta\mu\omicron\varsigma\ \delta\acute{\epsilon}\ \kappa\rho\alpha\tau\acute{\epsilon}\iota.$ <sup>26</sup>

The full significance of this becomes clear by contrast. The power of a king religiously recognized or of a monarch without the king's religious position is expressed in the following terms.

When Chalcas alludes to Agamemnon, he describes him as the one  $\delta\varsigma\ \acute{\mu}\acute{\epsilon}\gamma\alpha\ \pi\acute{\alpha}\nu\tau\omega\nu\ |\ \acute{\Lambda}\rho\gamma\acute{\epsilon}\iota\omega\nu\ \kappa\rho\alpha\tau\acute{\epsilon}\epsilon\iota\ \kappa\alpha\acute{\iota}\ \omicron\acute{\iota}\ \pi\acute{\epsilon}\acute{\iota}\theta\omicron\nu\tau\alpha\iota\ \acute{\Lambda}\chi\alpha\iota\omicron\acute{\iota}$  (A 79).

In his indignation at Achilles, Agamemnon describes his ambition  $\acute{\alpha}\lambda\lambda'\ \acute{\omicron}\delta'\ \acute{\alpha}\nu\eta\rho\ .\ .\ .\ |\ \pi\acute{\alpha}\nu\tau\omega\nu\ \mu\acute{\epsilon}\nu\ \kappa\rho\alpha\tau\acute{\epsilon}\epsilon\iota\nu\ \acute{\epsilon}\theta\acute{\epsilon}\lambda\epsilon\iota,\ \pi\acute{\alpha}\nu\tau\epsilon\sigma\sigma\iota\ \delta'\ \acute{\alpha}\nu\acute{\alpha}\sigma\sigma\epsilon\iota\nu,\ |\ \pi\acute{\alpha}\sigma\iota\ \delta\acute{\epsilon}\ \sigma\eta\mu\alpha\acute{\iota}\nu\epsilon\iota\nu$  (A 288).

Achilles is characterized as commander of the Myrmidons,  $\acute{\alpha}\upsilon\tau\omicron\varsigma\ \delta\acute{\epsilon}\ \acute{\mu}\acute{\epsilon}\gamma\alpha\ \kappa\rho\alpha\tau\acute{\epsilon}\omega\nu\ \eta\gamma\alpha\sigma\sigma\epsilon$  (II 172).

Odysseus says to the shade of Achilles  $\nu\upsilon\nu\ \acute{\alpha}\upsilon\tau\epsilon\ \acute{\mu}\acute{\epsilon}\gamma\alpha\ \kappa\rho\alpha\tau\acute{\epsilon}\epsilon\iota\varsigma\ \nu\epsilon\kappa\acute{\upsilon}\epsilon\sigma\sigma\iota\nu$  (λ 485).

<sup>26</sup> See the discussion by A. W. Gomme, *A Historical Commentary on Thucydides*, II (Oxford 1956) 184-9.

Hesiod, *Theogony* 403, describes the position of Zeus among the gods: αὐτὸς δὲ μέγα κρατεῖ ἠδὲ ἀνάσσει.

Alcaeus 141 L. P. presumably describes a would-be tyrant, ὦνηρ οὗτος ὁ μαιόμενος τὸ μέγα κρέτος | ὀντρέψει τάχα τὰν πόλιν.

Herodotus III 142 describes the regency at Samos during the absence of Polycrates: τῆς δὲ Σάμου Μαιάνδριος ὁ Μαιανδρίου εἶχε τὸ κράτος.

Darius (Aeschylus, *Persae* 785) lists the previous kings and says, ἅπαντες ἡμεῖς οἱ κράτη τάδ' ἔσχομεν.

Creon (Sophocles, *Antigone* 173) describes his position as that of a king: ἐγὼ κράτη δὴ πάντα καὶ θρόνους ἔχω.

Oedipus (Sophocles, *Oed. Rex* 237) says, γῆς | τῆςδ', ἧς ἐγὼ κράτη τε καὶ θρόνους νέμω.

Moreover, the phrase τὸ κράτος is connected with ancient usages of the verb *κραίνειν* studied by Ed. Fraenkel in his commentary to Aeschylus, *Agamemnon* 369, where he interprets the verb as meaning "to pronounce and establish in binding and valid form with the guarantee of fulfilment in the future."

In the Great Rhetra, accordingly, the *kratos* was transferred in theory to the *demos*, which is called the *gaiadamos*, a name clearly marking the group as landowners. The word *damos* in the Peloponnese goes back to Mycenaean times;<sup>27</sup> the word *gaiadamos* is not attested in the Mycenaean Period and may have been newly coined or may have specified what it was the *damos* divided among themselves, if *δᾶμος* is derived from *δάσασθαι*, and so *gaiadamos* and *damos* would be equivalent terms in a loose terminology. In either case, in view of the Mycenaean background of the word *δᾶμος*, the connection with land need not surprise us in the Great Rhetra.

<sup>27</sup> G. Pugliese-Carratelli, "Note su testi 'micenei,'" *Atti e memorie dell'Accademia Toscana . . . La Colombaria* xxi (1956, published in 1957) 16-23.



Furthermore, when colonies were established, those settlers who would have the right to vote were often described as *γεωνόμοι* or *γεωμόροι*. They were the *coloni* as distinct not only from the subject population such as the Thessalian *penestai* or the so called *servi* of Etruscan towns but also from metics or *inquilini*, who arrive later and do not normally have the right to share in the colony's own land. Special conditions may turn the early *damos* or *gamoroi* into an oligarchy of wealth, but the word *gamoroi* was used for citizens by Aeschylus, *Suppl.* 613, and the word *geomoroi* was used by Plutarch as a contrast both to the aristocracy mentioned in first place and to another plebeian group mentioned in third place, when he alluded to the first civic constitution of Athens (*Theseus* 25).<sup>28</sup> The third group were undoubtedly the *capite censi*, while Plutarch's *geomoroi* were the *adsidui*. It does not matter that the stories are legends and that the constitution of Theseus was possibly not "discovered" until 343 B.C.,<sup>29</sup> nor does it matter whether Plutarch's source was influenced by Plato. Who instituted institutions and with what in mind were obscure questions especially at Athens, but the ancient division of citizens into eupatrids and plebeians and into *adsidui* and *capite censi* was basic, practically ubiquitous, and undoubtedly known, though under various terms.<sup>30</sup> It is

<sup>28</sup> See now F. R. Wüst, *Historia*, III (1954), note 3 on pp. 137-9.

<sup>29</sup> E. Ruschenbusch, "Πάτριος πολιτεία," *Historia* VII (1958) 398-424, especially pp. 408-15, argues that the constitution of Theseus was not "discovered" until 343 B.C., when Androton wrote his *Atthis*. The "discovery" of Theseus as the founder of the republic must antedate, I think, the paintings of Euphranor in the Stoa of Zeus. It might be said to appear even in Euripides, *Suppliants*, 354-5. On the way in which the Athenians appropriated the common hero of the Ionians and connected him with the great events of their own history see Hans Herter, "Theseus der Athener," *Rh. Mus.* LXXXVIII (1939) 244-326.

<sup>30</sup> The pre-Cleisthenean (and pre-Solonian) classes or castes of Athens are now less suspect after the important articles by F. R. Wüst, "Zu den

the *adsidui* who originally constitute the politically active damos of a republic.

The development of the word *damos* seems to be something like this. In the Mycenaean Period the *damos* was a group of landholders. During the convulsions which marked the end of the Mycenaean Period many of the *damos* lost their land but continued to be known as the *damos*, of which the antithesis was the old or new aristocracy. When the *damos* became partly landless, the landed *damos* tended to be distinguished from the landless *damos*, while the distinction between the landless *damos* and other non-servile inhabitants tended to disappear. At Sparta *gaiadamos* may be either an old word or a new word expressing the superior status of the landed *damos*, but even where a new word did not arise, the traditional connection with land was at first sufficiently strong so that only landed members of the *damos* expected and were expected to exercise political rights and to represent the whole *damos*.

Perhaps a distinction even among the landowners should be made, because marginal lands, not included in some ancient distribution into lots, were occasionally brought into production by private initiative and were probably not treated as belonging to a family. In Attica the old lots belonging to families or *gene* were in Solon's time inalienable,<sup>31</sup> but perhaps

πρυτάνεις τῶν ναυκράων und zu den alten attischen Trittyen," *Historia* vi (1957) 176-191, and "Gedanken über die attischen Stände: ein Versuch," *Historia* viii (1959) 1-11. The three classes or castes (γένει), namely εὐπατρίδεις, γεωμέδροι and δημιουργοί, lasted down to the Reforms of Cleisthenes, but the name of the second caste fluctuates. "The Athenian plebeians before Cleisthenes made his arrangements in respect to the tribes were divided into γεωργοί and δημιουργοί," says the *Lexicon Patm.*, p. 152, s. v. γεννηται. In the *Ath. Pol.* 13,2 the commission of ten elected during the ἀναρχία after Damasias were five εὐπατρίδαι, three ἀγροικοί and two δημιουργοί. On the three *mere* of Athenians see also Diodorus 1.28.5.

<sup>31</sup> See H. J. Wolff, *ZSS* lx (1953) 422, note 25. Ed. Will, "Aux

a good deal of land outside the ancient lots which belonged to *gene* was cultivated by small farmers who could and did alienate it. The levy and by custom the voting privileges of the early polis were based, probably not on marginal land, but on the ancient *kleroi* alone. When other forms of wealth developed, those who so enriched themselves were often assimilated to the *adsidui* in census classes for military, financial and political purposes, though not at Sparta.

At Rome plebeians could be either *adsidui* or mere *capite censi*, but it is significant that in the principal assembly to which new plans by aristocratic magistrates were in the early republic presented for final decision, only the well-to-do (mostly landowners) voted, though at every period a token century or two in the *comitia centuriata* may have been reserved for those *infra classem* who in practice would probably never get a chance to vote but who in law had a right to a place in the assembly. It was Solon allegedly who first gave the thetes a share in the political life at Athens; hence at Athens the voting assembly which preceded Solon's reforms must have been an assembly of landowners where the thetes

origines du régime foncier grec," *REA* LIX (1957) 5-50 has made good use of evidence from Mycenaean Pylos. It is logical to assume some evolution of Bronze Age personal holdings into those of the early historical aristocracy and some evolution of Bronze Age communal holdings (which belonged to the damos) into estates of the pre-Cleisthenean *geomoroi* (*agroikoi*), which might be subjected to servitudes but would (in my opinion) remain fundamentally inalienable property of a *genos*. It is not necessary to assume that the pre-Cleisthenean communities called *gene* went back themselves to Mycenaean times. If, as I suggest in Ch. II, note 9, the pre-Cleisthenean hoplite levy was based on an artificial system of 360 *gene*, it may well be that the system of 360 *gene* reflected a reorganization of the state upon the establishment of a hoplite army whether in 683/2 B.C. or later. These communal holdings, the personal holdings of the aristocracy and sacred lands would, I think, have been the three main categories, but there were also various "possessions" and personal holdings of more recently cleared land.

were challenged in their right to attend. It was Solon apparently who forced the phratries to admit to religious rites the *orgeones* as well as the *gennetai* (i. e., those who inherited the inalienable family land on which the levy was based). Solon recognized the traditional right of all citizens to a place in the *plethos*, but as late as 427 B.C. there was still a marked distinction between the three upper classes and the *ἀσύντακτος ὄχλος* (Plutarch, *Pericles* 12, 4; Thucydides I 80-81), who at one time did not serve in the regular military forces and tended to be excluded. In view of this the word *gaiadamos* seems not to have emphasized a division of the damos but what it was the damos divided.

In Plutarch's description of the establishment of the first *politeia* at Athens (*Theseus* 24-25), which also comes apparently from Aristotle, there are parallels to what Plutarch said happened at Sparta. The phrase (*Theseus* 24.1) *κατὰ δήμους καὶ γένη* looks like a combination of geographical and gentilician organization and so recalls the phylae and obae of the Rhetra. Theseus is said to have offered the *dynatoi* an *ἀβασιλευτος πολιτεία καὶ δημοκρατία* which would use him merely as a magistrate to lead them in war and to watch over the laws. The picture may well indicate some of the essential changes in the establishment of a civic community, even though the figure of Theseus belongs to a very much earlier period and though the details may have been borrowed from what happened elsewhere. The picture is that of a polemarch replacing a basileus, and at the same time one prytaneum replacing many prytanea. At least two stages of development are here telescoped, but something of the early institutions seems to be reflected as in another way also Wüst recognizes.<sup>32</sup>

<sup>32</sup> F. R. Wüst, "Zu den *πρυτάνεις τῶν ναυκράων* und zu den alten attischen Trittyen," *Historia* vi (1957) 176-91.

Theseus, for instance, διεκόσμει τὴν πολιτείαν ἀπὸ θεῶν ἀρχόμενος. The last three words suggest to me a dedication of the city to *eleutherioi theoi* as in the Rhetra, which begins with Zeus and Athena. In 25.1 the traditional and archaic proclamation to the Assembly is attributed originally to Theseus who is said to have established a πανδημία τις, and this word has a resemblance to the *panagoria* or *homagoria* mentioned in the Rhetra, though we prefer another interpretation to be presented at the end of Ch. III. Moreover, an oracle of the Delphic Apollo, who refers specifically to "my father," is cited as authority for the establishment of the civic constitution.

There remains the so-called supplementary clause which may affect the interpretation of at least one word in the Great Rhetra and must now be examined. Plutarch, *Lycurgus* 6, 7 continues: "Afterwards, however, as the Many by adding and subtracting words were twisting and distorting the *gnomai*, the kings Polydorus and Theopompus appended the following to the Rhetra: "αἱ δὲ σκολιὰν ὁ δᾶμος ἔροιτο, τοὺς πρεσβυγενέας καὶ ἀρχαγέτας ἀποστατήρες ἦμεν," τοῦτ' ἐστὶ μὴ κυροῦν ἀλλ' ὅλως ἀφίστασθαι καὶ διαλύειν τὸν δῆμον ὡς ἐκτρέποντα καὶ μεταποιοῦντα τὴν γνώμην παρὰ τὸ βέλτιστον.

Note the Attic or common Greek form τοὺς, not τῷς.

There is no reason to change the manuscript reading ἔροιτο. This can be interpreted as an optative form of the verb εἴρω, which occurs both in the active and in the middle voice in the sense "to give a verbal order." *Odyssey* XVIII 414, ἐπὶ ῥηθέντι δικάϊω, "after justice has been pronounced," proves its suitability for a decision. The conditional clause means "If the damos should give its decision in anything but the straight (i. e. traditional) word of command."

If, as I am convinced, the word ἀφίστασθαι in the Rhētra means "make final decisions," then the phrase ἀποστατήρες ἡμεν in the supplementary clause means "be the ones who make final decisions." We cannot allow a different meaning for practically the same word in the supplementary clause. Tsopanakes does give to ἀφίστασθαι the meaning "reach decisions" but he gives quite a different sense to ἀποστατήρες ἡμεν,<sup>33</sup> because he cannot assign the meaning he has elaborated for ἀφίστασθαι to Plutarch's exegesis of ἀποστατήρες ἡμεν. Having in mind the famous Thucydidean scene of the vote first by acclamation, then, at the insistence of Sthenelaidas, by division, Tsopanakes interprets Plutarch's ὅλως ἀφίστασθαι as meaning "to take an exact count" and Plutarch's διαλύειν τὸν δῆμον as meaning "to separate the assembly." Not only does this interpretation reverse the order, but the meanings are so forced that I cannot accept them. Nor dare I assume that Plutarch failed to understand an obsolete dialectical usage of a deceptively simple common word in current use. I believe that Plutarch considered the meaning of ἀφίστασθαι and ἀποστατήρες obvious enough and that his exegesis here is really limited to the word ὅλως with the phrase καὶ διαλύειν τὸν δῆμον being a development of the idea and not at all a paraphrase. If the damos should give its decision in anything but the straight (i. e. traditional) word of command, then the Gerusia including the archagetai should not sanction the procedure but should make the whole final decision by itself and dismiss the assembly. That is, if the assembly does not behave according to the law, the Gerusia acts throughout instead of the assembly. The antithesis of straight and crooked implies the canon of ancestral custom. The straight or straightfor-

<sup>33</sup> A. G. Tsopanakes, *La rhétre de Lycurge, l'annexe, Tyrtée* (Salonica, 1954), 51.

ward is the lawful; the crooked is the divergent or the reprehensibly complicated. Ancestral custom called for silence or a straight reply of acceptance to one or the other of the *gnomai* proposed. New demands in the form of qualified acclamations or questions diverged from the norm.

At this point it is hardly necessary to say (contra Tsopanakes and Adrados<sup>34</sup>) that because the supplementary clause uses the word "crooked," it does not follow that the original Great Rhetra used the word "straight." Rather the supplementary clause resolves a question that did not exist at the time the Great Rhetra first appeared.

It has been well said that in the early legislation of ancient cities the enactment of a law does not usually represent the institution of something new but the finding of the law at a time when an ancient custom had become uncertain.<sup>35</sup> Seeing that the ancient custom was being altered, the kings Polydorus and Theopompus interpreted the Rhetra, and especially since the Delphic Oracle had sanctioned the Rhetra, they submitted also their interpretation to the Oracle for its sanction. As den Boer says, there is no conflict whatsoever between Plutarch, who speaks of the kings as authors of the so-called supplementary clause, and Tyrtaeus, who speaks of an oracle. But den Boer has gone, I think, far astray in assuming that the so-called supplementary clause "was intended to eliminate the people."<sup>36</sup> There is nothing whatsoever revolutionary in the supplementary clause; it merely defines precisely what should be done in a case of disorder which had not been visualized at the time of the Rhetra, when custom limited responses

<sup>34</sup> F. R. Adrados, "Sobre la retra de Licurgo," *Emerita* xxii (1954) 271-77.

<sup>35</sup> F. von Schwind, *Zur Frage der Publikation im römischen Recht* (= Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte, xxxi [1940]) p. 22, a *Rechtsfindung*, not a *Rechtserzeugung*.

<sup>36</sup> *Laconian Studies* p. 192 (cf. p. 196).

effectively to a few familiar acclamations of approval. The clarification does not change the system at all; it protects the system against change.

To summarize, therefore, we say that no matter how negligible the king in a pre-civic community may have been, his position was rooted in religion, and that when his position, given to him by Zeus, became intolerable to the community and a change became necessary, the change could not have been carried out without strenuous efforts to obtain the consent of Zeus. Even if the tradition of a consultation of the Delphic Oracle did not exist, for the establishment of a civic constitution at Sparta we should have to assume a consultation of some oracle through which Zeus could give his blessing. No early community would have dared to ignore the role of Zeus as sponsor of the king. Apollo at Delphi was the spokesman for his father, and even as early as the eighth century the oracle at Delphi had begun its activity though rather unpretentiously.<sup>37</sup> That the role of a divine sponsor in the change from *regnum* to republic was always emphasized should strike no one as suspicious. The people for their part needed to be reassured, and the leaders who brought about

<sup>37</sup> Pierre Amandry, *La mantique apollinienne à Delphes* (= Bibliothèque des Écoles Françaises d'Athènes et de Rome, CLXX [1950]); Jean Defradas, *Les thèmes de la propagande delphique* (Paris, 1954), reviewed by P. Amandry, *Revue de philologie*, 3rd ser., xxx (1956), 268-82; H. W. Parke and D. E. W. Wormell, *The Delphic Oracle* (Oxford, 1956), reviewed by H. Berve, *Gnomon* xxx (1958) 417-29. Amandry on pp. 269-70 of his excellent review of Defradas emphasizes a break in the continuity at Delphi between the eleventh and ninth centuries. The cult of Apollo at Delphi seems attested by indications of the archaeological evidence as far back as the eighth century. On p. 282 Amandry summarizes convincingly the role of Delphi in Greece: "La sanction d'une décision déjà prise, le choix entre deux conduites possibles, un conseil de sagesse pratique, de bon sens, d'expérience humaine, voilà ce que les consultants demandaient à Apollon et à ses prêtres, bien plutôt que des idées sur les grands problèmes de ce monde et de l'au-delà."



the change were themselves certainly not atheists at that period.<sup>38</sup> The morality of presenting the Rhetra as an oracle should never have been raised as an issue or even questioned. Of course it was a statement drawn up by human leaders, but as having received the blessing of Zeus through Apollo and his priestess, it was in a certain sense an oracle.

However, the new organization at Sparta, though fundamentally a civic constitution, was not what I would call a clean break with kingship; rather it was a compromise in which Zeus still supported the king on military campaigns undertaken with the will of the damos. The character of the community's new organization appears more clearly as a compromise in Tyrtaeus fr. 3 contained in an excerpt from Diodorus (i. e. Tyrtaeus fr. 3a) and in Plutarch's discussion of the Rhetra as clarified by the kings Polydorus and Theopompus (i. e. Tyrtaeus fr. 3b).

Plutarch	Φοίβου ἀκούσαντες Πυθωνόθεν οἷ<κ>αδ' ἔνεικαν μαντείας τε θεοῦ καὶ τελέεντ' ἔπεα·	b 1
Diodorus	<ὦ>δε γὰρ ἀργυρότοξος ἀναξ ἐκάεργος Ἀπόλλων χρυσοκόμης ἔχρη πίονος ἐξ ἀδύτου·	a 1
Both	ἄρχειν μὲν βουλῆς θεοτιμήτους βασιλῆας βουλῇ οἷσι μέλει Σπάρτας ἡμερόεσσα πόλις Σπάρτης	3
	πρεσβύτας τε γέροντας, ἔπειτα δὲ δημότας ἄνδρας πρεσβυγενεῖς εὐθείαις ῥήτραις ἀνταπαμειβομένους εὐθείη<ι> ῥήτρας	5
Diodorus	μυθεῖσθαι <τ>ε τὰ καλὰ καὶ ἔρδειν πάντα δίκαια μῆδ' {ετι} ἐπιβουλεύειν τῇδε πόλει ~ ~ -	a 7

<sup>38</sup> Compare A. D. Nock, "Religious Attitudes of the Ancient Greeks," *Proc. Amer. Philosoph. Soc.* LXXXV (1942) 472-82.

δήμον δὲ πλήθει νίκην καὶ κάρτος ἔπεσθαι·  
 Φοῖβος γὰρ περὶ τῶνδ' ᾧδ' ἀνέφηγε πόλει. a 9

b 1 οἱ τὰδε νικᾶν mss., οἱ τὰδ' ἔνεικαν Xylander, οἱ<κ>αδ' ἔνεικαν Amyot. a 1 δέ ms., <ᾧ> δε G. Hermann. 3 βουλῆς Plutarch, βουλη Diodorus. 4 Σπάρτας ἱμερόεσσα Plutarch, Σπάρτης ἱχερόεσσα Diodorus. 5 πρεσβύτας τε Plutarch, πρεσβυγενεῖς δέ Diodorus. 6 εὐθείαις ῥήτρας Plutarch, εὐθείην ῥήτρας Diodorus, εὐθείη<ι> Dindorf et Page (Cl. Rev. LXV, 1951, p. 12). 7 δέ Diodorus, <τ>ε Dindorf, Bergk, Wilamowitz et alii. 8 μηδέτι ἐπιβουλεύειν Diodorus, μηδέ τι βουλεύειν τῇδε πόλει <σκολιόν> Bach, μηδ' ἐπιβουλεύειν τῇδε πόλει <τι κακόν> Bergk et den Boer.

The marginal note in the excerpt from Diodorus says that the "oracle" was given by the Pythia to Lycurgus. Plutarch has been talking about the kings Polydorus and Theopompus. Those who think of the so-called supplementary clause as something quite new have been troubled by an apparent conflict. For me who consider the so-called supplementary clause a mere ruling by Apollo concerning an obscurity in the last clause of the Rhetra, a ruling on the basis of a choice presented by the kings, there is no conflict. Tyrtaeus refers to the permission or order which Apollo in the name of Zeus gave to "Lycurgus" as clarified by Apollo for Polydorus and Theopompus, who need not have gone to Delphi personally. The clarification may still be described as the oracle given by the Pythia to Lycurgus.

That the verses of Tyrtaeus do allude as Plutarch supposed (the *πov* of *Lycurgus* 6.9 as explained by Tsopanakes) to the Great Rhetra is clear from the order: plans by Gerusia including the kings, then *iussa populi* in the case of acceptable plans. The word *εὐθείαις* in line 6 reveals an acquaintance with the clarification and with the disorder which made the clarification necessary. The thought of the old disorder leads

the poet in the version of Diodorus, to make a special appeal for loyalty. Then line 9 contains a striking paraphrase of the final clause of the Rhetra, but the paraphrase lays special stress on implications of military success for the community in the new system approved by Zeus through Apollo. For us with the later development in mind the interest of the Rhetra is of course political, but for Tyrtaeus and for many in the hoplite republic the interest was often more likely to be military. Here the words of Tyrtaeus, as den Boer perceived, are of a military application. A shift of emphasis occurs as Tyrtaeus adapts the religiously sanctioned Rhetra to the present situation and brings out what he may well regard as the underlying meaning.

Lines 1-2 are quite different in Plutarch and Diodorus, but as Tsopanakes argues, the particle γάρ in line 1 of Diodorus indicates that line 1 is in fact not the beginning of the passage. Something else is needed before line 1 of Diodorus. The lost beginning does not have to be Plutarch's first couplet, but Plutarch's first couplet would be perfect as the lost beginning. So why not accept it provisionally with Tsopanakes?

The main question is whether lines 7-8 apply to the demos or to the kings. Plutarch ended his quotation with line 6, as if the phrase were complete. "The kings and the elders" were "to initiate plans. Then the men of the demos, replying with straight commands," were to—what? It is not stated and many readers feel that some role must have been spelled out. Jacoby feels that the participial phrase can stand alone. To Wade-Gery<sup>39</sup> he suggested, as a parallel, Archilochus, fr. 1:

εἰμὶ δ' ἐγὼ θεράπων μὲν Ἐνναλίοιο ἄνακτος  
καὶ Μουσέων ἑρατὸν δῶρον ἐπιστάμενος.

<sup>39</sup> *Essays in Greek History*, p. 61.

But as Wade-Gery says, the participle depends on εἰμί, either the initial εἰμί or another one understood. Archilochus fr. 1 is then no parallel at all because ἀνταπαμειβομένους cannot depend on the phrase ἄρχειν βουλῆς (or βουλῇ).

Furthermore, to whom was Tyrtaeus preaching in lines 7-8? Schwartz<sup>40</sup> thought that these lines could apply only to the kings, and Jacoby<sup>41</sup> follows him in this view. But surely Tyrtaeus was appealing to the demos<sup>42</sup> for concord and loyalty, not to the "kings honored by the god(s)." The men of the demos were to co-operate by word and deed. Line 8 is again a reference to the indiscipline which had made it necessary to ask for a ruling on the last clause of the Great Rhetra, and line 7 contains just the right infinitives for the participial phrase of line 6. It is the demos which needs a reminder, not the kings whom Tyrtaeus reveres.

In line 8 the corrupt text of Diodorus has suffered from dittography. One must choose between μηδ' ἐπιβουλεύειν and μηδέ τι (or μηδέτι) βουλεύειν. Of the reading βουλεύειν den Boer, who has in mind the ordinary meaning of the verb, says on p. 186, "it conflicts with all historical evidence as it gives to the commons a right they in fact did not have." The ordinary meaning of βουλεύειν is indeed excluded, but perhaps not the word itself, which might have been used, especially by a poet, for ἐπιβουλεύειν. The word βουλεύειν for ἐπιβουλεύειν occurs twice in a fifth-century inscription published by J. Pouilloux, *Recherches sur l'histoire et les cultes de Thasos*, I (Paris, 1954), p. 139, no. 18, but each time in the phrase ὅς ἀν ἐπανάστασιν βουλευομένην κατέπιπτι, where association with

<sup>40</sup> *R.E.*, v (1905) col. 678, s. v. "Diodoros."

<sup>41</sup> *FGrHist* III 2 (Leiden, 1955), commentary on 580.

<sup>42</sup> Are lines 6-7 not a reflection of *Odyssey* xiv 83-85? See also *Iliad* II 273, βουλὰς τ' ἐξάρχων ἀγαθὰς.

ἐπανάστασιν makes the prefix less necessary, and where the phrase ἐπὶ Θάσσει in one case follows βουλευομένην explicitly. Since, however, no preposition precedes the phrase τῇδε πόλει, one really must choose ἐπιβουλεύειν, a word commonly used from the fifth century on in the political vocabulary for internal dissensions. At the end Bergk's restoration τι κακόν not only restores the line metrically but is in perfect keeping with the proclamation in Aristophanes, *Thesmophoriazusae* 335: εἴ τις ἐπιβουλεύει τι τῷ δήμῳ κακόν | τῷ τῶν γυναικῶν. The comic proclamation reflects Solon's law and might reflect Tyrtaeus as well. Bergk's restoration seems to me, as to den Boer, the best proposal.

Lines 3-9 contain a paraphrase of the Great Rhetra with the duty of the damos made more explicit because the poet has in mind the abuses and dissension which called for a supplementary clause of precise interpretation as a remedy in cases of indiscipline or obstruction. They may be translated as follows:

The kings honored by the god(s), the kings to whom lovely Sparta is of concern, let them and the elders of high prestige be the first to formulate plans.<sup>43</sup> Then let the men of the demos, replying in straight commands, order the plans that are good and carry out all obligations of their word without evil intention toward the civic community as a whole. And let victory and prevailing strength attend upon the whole of the demos.

The plans, like a good omen, must be accepted expressly in clear language. Line 9 gives primacy to good words or plans which are then carried into just deeds. In Thucydides I 69, 5 the Corinthians say to the Spartans, καίτοι ἐλέγεσθε

<sup>43</sup> Cf. *Iliad* ix 102, σέο δ' ἔξεται ὅττι κεν ἄρχῃ. The plans will depend upon the decision of Agamemnon because Agamemnon holds the *kratos*.

ἀσφαλείς εἶναι, ὦν ἄρα ὁ λόγος τοῦ ἔργου ἐκράτει, which I would translate, "And yet you were said to be men who could be relied upon, whose word allegedly determined the action," i. e. ordained something with a guarantee of its fulfilment. In the Funeral Oration Thucydides II 42, 2 represents also Pericles as reflecting Tyrtaeus, "And in the case of few of the Hellenes would it appear as in the case of these men that their word, weighed in the balance, was no more than their deeds;" then in 42, 4, "From the disgracing of their word they fled, but to carry it out with personal service they stood their ground." It is less important but still worth noting that Aeschylus, *Suppl.* 608 has Danaus refer to the hands of the citizens τόνδε κραινόντων λόγον. One should note also the wording of the question in Sophocles, *Oedipus Coloneus* 66: ἄρχει τις αὐτῶν, ἧ' πὶ τῷ πλήθει λόγος;

The main other difference in the version given by Tyrtaeus is the special honor of the kings. Not only are they called kings and credited with honor from Zeus but they take precedence over the elders, whereas in the Great Rhetra and in the supplementary clause the elders are mentioned first. This has a significance, but what? Had the prestige of the archagetai risen in the community after a successful war, or does it reflect the personal preference of the poet?

What Apollo said or approved was something like γαιαδάμω ὁμαγορίαν ἤμην καὶ κράτος, as everyone knew. These at Sparta famous words suggested to the poet the ninth line, δήμου δὲ πλήθει νίκη καὶ κράτος ἔπεσθαι, in which the words δήμου πλήθει would correspond perfectly to γαιαδάμω ὁμαγορίαν, while the phrase νίκη καὶ κράτος closely approximates the sound of the letters ΝΗΜΗΝΚΑΙΚΡΑΤΟΣ. The phrase νίκη καὶ κράτος became a battle cry, and the battle cry could have arisen first with line 9. Be that as it may, the poet in line 9

interprets the last clause of the Great Rhetra as an implication of military and political success to follow upon unity and discipline. He does so by exploiting an ambiguity in the word *kratos* with the ease of a hoplite who instinctively associated active citizenship with military duty, and who thought of an assembly of full citizens as a convocation of the army.

The word *δήμον* at the beginning of the line stands out strongly and is to be understood with each of the three following nouns, *πλήθει*, *νίκη* and *κάρτος*. Accordingly, *κάρτος*, rightly understood, means *δήμον κράτος* in at least two senses, "republic" and "Spartan might," so that we may cite the parallel in Livy XXIII, 11, 2: *si ita faxitis, Romani, vestrae res meliores facilioresque erunt magisque ex sententia res publica vestra vobis procedet victoriaque duelli populi Romani erit.*

Ehrenberg, who considers the Great Rhetra a genuine document of archaic Sparta and not a fourth century forgery and who recognizes that Tyrtaeus fr. 3a, v. 9, *δήμον δὲ πλήθει νίκη καὶ κάρτος ἔπεσθαι*, clearly refers to the mutilated clause of the Great Rhetra, denies the genuineness of Tyrtaeus fr. 3a, v. 9, because it "seems to presuppose the conception of *δημοκρατία*."<sup>44</sup> However, the *demokratia* to which Ehrenberg refers is really the antithesis of *oligarchia*, and in my opinion both fifth-century *demokratia* and *oligarchia* are varieties of civic constitutions, deriving their institutions from the same civic constitution which was the first republic. It is characteristic of political groups to claim for themselves the true tradition and to charge their adversaries with a corruption of the ancestral constitution. The search for the origins of de-

<sup>44</sup> V. Ehrenberg, "Origins of Democracy," *Historia* 1 (1950, published in 1952) 517, note 4, as already asserted in "Der Damos im archaischen Sparta," *Hermes* LXVIII (1933) 297-8, note 4.

mocracy is complicated by the many definitions of democracy, not only in the modern world but in the ancient. If you limit your vision to the fifth and fourth century *demokratia* of the Athenian majority, you can make a good case for one period, but if you take the standpoint of Isocrates, the conclusion no longer is possible. The main starting point in my opinion is always the idea of a civic constitution, and the term *demokratia*, to mean "democracy" in Ehrenberg's sense, is a special development by an interested group who, claiming to be the true champions of the civic constitution, on the one hand, distorted or enlarged the original meaning of *demos*,<sup>45</sup> and, on the other, insisted on giving more meaning to the word *kratos*.

Hence it is just as easy to infer that the classical conception of *demokratia* was based on a reinterpretation of words in an ancient slogan popularized partly by the genuine v. 9 of Tyrtaeus fr. 3a as to infer that Tyrtaeus fr. 3a, v. 9 presupposes a fifth century *demokratia*. The decision for or against genuineness should prescind from that consideration. Then I think there is no strong argument against the genuineness, while Thucydides I 69.5 and II 42 presuppose, I think, a knowledge of it.

The word *demokratia* may have come into fashion in the

<sup>45</sup> For the original meaning of the word *damos* see Giovanni Pugliese Caratelli, "Note su testi 'micenei,'" *Atti e memorie dell'Accademia Toscana di Scienze e Lettere* xxi (1956, published in 1957), 16-23, and L. R. Palmer, *The Economic History Review* xi (1958) 87-96. For the kind of compound that *demokratia* was see A. Debrunner, "Δημοκρατία," *Festschrift für Edouard Tièche* (Bern, 1947), 11-24. J. A. O. Larsen, "Cleisthenes and the Development of the Theory of Democracy at Athens," *Essays in Political Theory Presented to George H. Sabine* (Cornell University Press, 1948) p. 14 argues that *demokratia* was an offensive word accepted and defended by Pericles, but it is hard to disagree with A. W. Gomme who says that *demokratia* "was not an offensive word any more than 'democracy' is now" (*A Historical Commentary on Thucydides*, II [Oxford, 1956], p. 379).



fifth century B.C., but for centuries men had been speaking of the *kratos* as belonging to a king or to the *demos* (or *damos* or some other local synonym of the period). When the king ceased to hold the *kratos*, it passed to a group which had a decisive vote on the main question.

In certain cities, perhaps in most communities, the republican form of government arose in an aristocratic revolution legitimized by a religious authority. For this revolution the aristocracy had the acquiescence and to some degree the support of the local community's fighting men. Locally the revolution which limited or overthrew the autocratic power of the king was made in the name of the *demos*, and the decision on the most important questions theoretically now lay with the *demos*, but the aristocracy had brought about the revolution in order to acquire for themselves the actual direction of the community's affairs. As Ugo Coli expresses it,<sup>46</sup> "the aristocratic regime already belongs to the history of the polis: it is its most ancient form."<sup>47</sup>

And what about Athens? There is nothing comparable to the Great Rhētra, but the transfer of power theoretically from king to *demos* must have found a religious expression.

Apollodorus III 14, 6 attributes to Erichthonius the son of Hephaestus the role of founder of a kingship connected with the Athenian acropolis, καὶ τὸ ἐν ἀκροπόλει ξόανον τῆς Ἀθηνᾶς ἰδρύσατο καὶ τῶν Παναθηναίων τὴν ἑορτὴν συνεστήσατο. Harpocration, s.v. Παναθήναια, attributes the information that the festival was first organized by Erichthonius to the Atticides

<sup>46</sup> Ugo Coli, "Stati-città e unioni etniche nella preistoria greca e italiana," *Studi in onore di Pietro de Francisci*, iv (Milan, 1956) 505-533 at p. 511.

<sup>47</sup> This formulation seems to me true as far as it goes, but as I have emphasized above, a dedication to *eleutherioi theoi* as patrons of the community would by its political implications turn an *ethnos* as well as a polis into a republic. A Greek republic may be either an *ethnos* or a polis.

of Hellanicus and Androtion. Harpocration indicates moreover that according to the *Attica* of Ister the name was originally Athenaea and became Panathenaea at a later date which the sources of Plutarch (*Thes.* 24.3) and Pausanias (VIII 2, 1) probably equated with the synoecism. At a date which cannot be too far from 566 B.C. the Panathenaea seem to have been reorganized as a festival with a particularly splendid celebration every four years, the Great Panathenaea, under the influence of the Olympic Games and other Panhellenic festivals,<sup>48</sup> but that does not particularly concern us here. The points to which we call attention are the existence of a tradition assigning the cult of the archaic wooden image of Athena and the institution of the older festival to the king Erichthonius, and secondly the existence of a tradition assigning the Panathenaea to Theseus, who by 343 B.C. was being credited not only with the synoecism of Athens but with the establishment of the first civic constitution of Athens.

No one can prove that Hellanicus reported Athenian traditions about Erichthonius correctly, though the main "fact" apparently went uncontested; nor can anyone prove that the oral tradition recorded correctly what we might select as the main point, namely the role of an ancient king; but surely there is no reason to reject the probability that the cult of Athena on the Acropolis concerned a goddess who was essentially a *basileios theos*, the protectress of the ancient kings of Athens.

Recently C. J. Herington<sup>49</sup> has shown clearly that the Old Temple of Athena and the temple which we call the Parthenon served not two deities, but one, the Athena of

<sup>48</sup> J. A. Davison, "Notes on the Panathenaea," *JHS* LXXVIII, 1958, 23-42.

<sup>49</sup> C. J. Herington, *Athena Parthenos and Athena Polias, a Study in the Religion of Periclean Athens* (Manchester Univ. Press, 1955).

Athens, Athena Polias. He put the question why Athena Polias had two temples on the Acropolis, and he answered it by the cautious surmise that the Parthenon served an ancient warrior goddess originally distinct from the peaceful goddess of the Old Temple. He could point to the fact that the type of a fighting Athena went back to the first half of the sixth century at Athens and that it is now generally agreed that a predecessor of the Parthenon went back to the sixth century, but he assumes that though the two goddesses officially merged into one, the unofficial ghosts of two early cults kept the Athenians reconstructing two temples of one goddess side by side.

In place of this theory, which seems to me unlikely (for there had been only one palace goddess on the Acropolis), I suggest that when the cults of the palace goddess became the religious expression of the unification of Attica, no other goddess could possibly have intruded upon her preeminent position on the Acropolis, and so there is only one Athena of Athens; but since the ritual and temple of this ancient cult had a close connection with kingship, new parts of the ritual were added with the development of republican feeling, and a new temple was probably needed. While the old was scrupulously preserved, the Athenians of a republic found this way of expressing their loyalty to the old goddess and of reinterpreting her legends. The killing of Asterius by Athena (so editors for "Athenians") was interpreted or reinterpreted as part of the struggle of the gods to establish a *kosmos*. I think this interpretation did not arise in the tyranny of Pisistratus (so A. Mommsen) and did not go back to the earliest days (so Vian)<sup>50</sup> either, but arose when a political *kosmos*

<sup>50</sup> Francis Vian, *La guerre des Géants, le mythe avant l'époque hellénistique* (Paris, 1952) 246-79, especially p. 254.

was being established either for the first time or on a new basis. A second temple beside the Old Temple was first built in the time of Pisistratus who posed as a kingly personality and sought to establish himself as the favorite of Athena. How much the new temple owed to needs of a republican expansion in the ritual and how much to the ambition of Pisistratus to cut a good figure and to become the favorite of Athena one cannot say. But the second temple soon became indispensable for the ritual which tradition carried on. Gradually an aspect of Athena developed into Athena Nike, traceable in the early sixth century, though a separate priesthood was not established until the fifth. She too received a temple on the Acropolis, but the two chief temples did not serve this later cult; they served in an old and a new way respectively the cult of the one goddess, Athena of Athens.

But what religious innovation occurred away from the royal palace at the time the king's *kratos* was transferred elsewhere? The reader is again reminded of the story about the establishment of a republic on Samos. According to Herodotus III 142 Maeandrius first laid out an altar and a precinct of Zeus Eleutherius away from the royal residence. Is there any evidence that the Athenians too on establishing a republic laid out an altar and precinct as the Samian did for Zeus Eleutherius and as the Spartan did for Zeus <He>llanios and Athena <He>llania?

In historical times *εἰσιτητήρια* or New Year's offerings were made on 30 Skirophorion, the last day of the year, in the Athenian Agora, where the archon offered a sacrifice to Zeus Soter and Athena Soteira. Inscriptions<sup>51</sup> concerned there-

<sup>51</sup> Add the inscription published by B. D. Meritt, *Hesperia*, xxvi (1957) pp. 54-57, no. 11 (272/1 B.C.) in honor of a board of epimeletes to help the priest offer the sacrifices to Zeus Soter and Athena Soteira and prepare the procession, the lectisternium, etc.

with, such as IG II<sup>2</sup> 689 and 690, were to be set up before the Stoa of Zeus. Apparently there was no temple of Zeus Soter, but a sacred area with an altar, in fact the area where the statue of Zeus Eleutherius was erected and where the Stoa of Zeus was built. It was in and around this building that the laws were engraved. The Stoa of Zeus, accordingly, somewhat resembles the Atrium Libertatis at Rome as a center of the republic. If we may speak of a sacred area for Zeus Soter and Athena Soteira marked by an altar and a statue of Zeus Eleutherius, we have an excellent parallel to the sacred area of Zeus <He>llanios and Athena <He>llania which was marked out by the Lacedaemonians at the beginning of the republic according to our interpretation of the Great Rhetra. Just as Zeus <He>llanios and Athena <He>llania were the *theoi eleutherioi* under whose patronage a civic constitution was established at Sparta, so probably Zeus Soter and Athena Soteira were the *eleutherioi theoi* under whose special patronage a civic constitution was first established at Athens. Also Zeus and Athena told Demosthenes in a dream that Philip was dead (Aeschines III 77).

At one time before the Athenian *hetairiai* became anti-proletarian rather than pro-republican, they served a socially useful purpose according to Sartori who cannot be accused of special pleading.<sup>52</sup> Therefore Isocrates IV 79 may have been exaggerating but was not shamelessly misrepresenting the situation when he said of the old days *τὰς ἐταιρίας συνήγον οὐχ ὑπὲρ τῶν ἰδίᾳ συμφερόντων, ἀλλ' ἐπὶ τῇ τοῦ πλήθους ὠφελείᾳ*. The word *plethos* had at one time implied a smaller group of full citizens, but even after its significance had been enlarged,

<sup>52</sup> Franco Sartori, *Le eterie nella vita politica ateniese del VI e V secolo a. C.* (Università degli Studi di Padova, *Pubblicazioni dell'Istituto di Storia Antica* III [1957]) pp. 37 ff.

the *hetairiai* doubtless continued for a while to serve not only a social purpose but also a patriotic and republican purpose, because the social life of a polis could never be separated from the rest of the life. Before the Cleisthenian reforms were carried through against the will of the *hetairiai*, this may well have been the usual situation.

Now it is reasonable to suppose that the Athenian symposium developed its character in the *hetairiai*, certainly not among the proletarian elements who later became the natural enemies of the *hetairiai*. Since a symposium had to be held in a house, the gods of the symposium could find a cult in the house, but Nilsson has isolated certain gods as coming originally not from the household cult but from the special offerings at a symposium.<sup>53</sup> Sometimes the first libation was offered to Zeus Soter. More often perhaps the first libation was offered to Zeus Olympios, the second to the heroes, and the third to Zeus Soter. I submit that these three libations reflected more than the private interests of the club as a corporation of friends, and I suggest that the libation to Zeus Soter originated as an expression of loyalty to the civic constitution of the Athenians.

In the official calendar of Athenian sacrifices published in *Hesperia* IV (1936) 21 it appears that sacrifices to Zeus Phratrios and Athena Phratria were scheduled for the sixteenth of Hecatombaeon. H. A. Thompson, "Buildings of the West Side of the Agora," *Hesperia* VI (1937) 1-226, who at p. 106 publishes an altar of Zeus Phratrios and Athena Phratria from the Athenian Agora, emphasizes the connection between this pair of deities and Apollo Patroos, and he argues plausibly

<sup>53</sup> M. P. Nilsson, "Die Götter des Symposion," *Symbolae philologicae O. A. Danielsson octogenario dicatae* (Uppsala, 1932) 218-230 = *Opuscula selecta* I (1951) 428-442.

for a location of the cult of Zeus Phratrios and Athena Phratria in much the same area, i. e. in the general area where also the cult of Zeus Soter and Athena Soteira may be localized. Surely the cult of Zeus Phratrios and Athena Phratria reflects a reorganization of the Athenian state at some time.

On Thasos, Lesbos and Rhodes the same couple, Zeus and Athena, share a precinct or altar under the name of Zeus Hyperdexios and Athena Hyperdexia (or Athenaie Hyperdexie), and on Paros they are at least closely associated (*infra* Appendix). The epithet *hyperdexios*<sup>54</sup> refers to the outstretched right arm of the patron deity. For the gesture the following parallels are worth citing:

*Iliad* IV 249:

ὄφρα ἴδῃτ' αἶ κ' ὕμῃν ὑπέρσχη χεῖρα Κρονίων.

Solon III 4:

Παλλὰς Ἀθηναίῃ χεῖρας ὕπερθεν ἔχει.

Theognis 757-8:

Ζεὺς μὲν τῇσδε πόλῃος ὑπείρεχοι αἰθέρι ναίων  
αἰεὶ δεξιτερὴν χεῖρ' ἀπ' ἀπημοσύνη.

Aelius Aristides, Roman Oration 96: διατελεῖτε δὲ τῶν μὲν Ἑλλήνων ὥσπερ τροφῶν ἐπιμελόμενοι, χεῖρά τε ὑπερέχοντες καὶ οἶον κειμένους ἀνιστάντες . . .

The parallel with Zeus <He>llanios and Athena <He>llania at Sparta and with Zeus Soter and Athena Soteira at Athens and the evidence from Paros (*infra* Appendix) particularly incline me to believe that Zeus Hyperdexios and Athena Hyperdexia had a political function as the patrons of a civic constitution or of an assembly of the free citizens of a republic.<sup>55</sup>

<sup>54</sup> See the discussion and bibliography of L. Robert, *Hellenica* x (1955) 63-66 and 295-296.

<sup>55</sup> Also *theoi agoraioi* in various places might be mentioned. See R. Martin,

The tradition attributes the foundation of the Spartan *eunomia* to Lycurgus. The civic community of the Spartiates goes back to a deliberate act of organization which we may associate with the Great Rhetra. Then a second period of important reorganization occurred in the time of King Theopompus to whom the conquest of Messenia is attributed by Tyrtaeus, about as good evidence as we could hope to have for this period. Naturally in the absence of annalistic or historical literature much that was quite later was confused with what had happened in the original organization, but the divinely endorsed clarification of the Great Rhetra attests the importance of the stage assigned to Theopompus. The conquest of Messenia may have been connected with the military changes known as the hoplite revolution. These changes to hoplite equipment are at Sparta dated by H. L. Lorimer<sup>50</sup> to the first quarter of the seventh century. Hence the first (not the second) conquest ought to have occurred close to the year 700 B.C., at a time when the first essential steps in the direction of the hoplite revolution were being taken. The first Messenian War paves the way for the hoplite army, and the traditional date for the foundation of Taras, 706 B.C., also places the First Messenian War in the late eighth century. Whether the "hoplite" republic arose in the late eighth or early seventh century, it was preceded by the republic of "the fighting men," to use Aristotle's phrase (*Pol.* X 10 p. 1297b 16 ff.). In the republic of "the fighting men" the *hippeis* had a predominant role and may have retained certain

*Recherches sur l'agora grecque* (=Bibliothèque des Écoles Françaises d'Athènes et de Rome, CLXXIV, 1951), 174-194.

<sup>50</sup> H. L. Lorimer, "The Hoplite Phalanx," *BSA* XLII, 1947, pp. 76-138 has shown that hoplite equipment was adopted at Sparta in the first quarter of the seventh century B.C. and in other parts of Greece somewhat later.



privileges later. The republic of "the fighting men" is the first civic constitution of Sparta and the original "Lycurgan" state.

Since the "hoplite" republic is at Sparta not the first civic constitution, the traditional date at which the ephor list began, 754 B. C., may well provide a fairly accurate date for the establishment or functioning of the first civic constitution, because a system of dating by other officials than a king surely belongs to a really civic constitution. A list of annual eponyms other than the king need not go back to the beginning of the civic constitution; it may have been introduced later for various reasons, but it could go back that far and certainly belonged to a period of reorganization. In a Greek community where a king had priestly functions the introduction of an annual eponym other than the king could hardly have preceded the establishment of a civic constitution. Of course, it is necessary to suspect the accuracy of whatever list of ephors was current in the fifth century, but precisely a mere list of this sort may claim a better right to credence than oral traditions about historical events and personages.

Literacy in the Hellenic Bronze Age was not an aristocratic accomplishment. S. Dow's study, "Minoan Writing," *AJA*, LVIII (1954) 77-129, has made this clear by clearly putting the question of the significance of the loss of literacy. In my opinion literacy emerges as an aristocratic accomplishment in the year 776 B.C., the beginning of the numbered Olympiads and of victor lists.<sup>57</sup> The alphabet had been taken over around 800 B.C.; at least the period between 850 and 800 B.C. is that in which the earliest Greek letters<sup>58</sup> most

<sup>57</sup> See Ch. V for the importance of athletic victories to the aristocracy.

<sup>58</sup> So careful a scholar as G. Klaffenbach, *Griechische Epigraphik* (Göttingen, 1957) 34 dates the earliest extant Greek inscriptions in the alphabet to the first half of the eighth century.

closely resemble the letters of the Semitic alphabets.<sup>59</sup> In public life it was at first used probably for recording the calendar of festivals and for other religious purposes, and since priesthoods were in the hands of aristocrats, literacy began again as an aristocratic accomplishment.

Nevertheless, the arguments of Rhys Carpenter about the sudden appearance on monuments and the immediate spread of the alphabet around 700 B.C.<sup>60</sup> are impressive. The development around 700 B.C. suggests that for some reason the knowledge of the alphabet in Greece rather suddenly ceases to be an aristocratic accomplishment and becomes a possession of a large part of the community. Two explanations occur to us, both of which may be right or one of which may

<sup>59</sup> My colleague, Thomas O. Lambdin, has kindly given me the following note. "The latest of the royal Byblian inscriptions, that of Shapatbaal, falls at the very end of the tenth century and provides a definite *terminus post quem* for the borrowing of the alphabet by the Greeks, since the requisite forms of certain letters, notably *k* and *m*, had not yet developed. By the end of the ninth century, as may be seen from the Moabite and Bir-Hadad inscriptions, the necessary forms of *k* and *m* have appeared, and these, together with other formally important letters such as *t*, *s*, and *q*, remain in use through most of the eighth century. Already in the Karatepe inscriptions, however, a further change in *k* and *m* has begun which renders them unsatisfactory as prototypes of the Greek forms. The broad limits thus established, c. 850-750 B.C., may be reduced even further on the basis of the letter *d*. The prototype of Greek *delta*, a simple triangle, was being replaced by the form with an extended right side at the end of the tenth century. In the latter of the two ninth century inscriptions mentioned above the replacement is complete; there is evidence that in Phoenicia itself and in the alphabets carried westward into the Mediterranean (cf. the Nora Inscription) the earlier form continued in use through the ninth century. Thus, from a comparison with datable material, the only period during which the majority of letter forms required as prototypes of the Greek were demonstrably in use is the latter half of the ninth century."

<sup>60</sup> Rhys Carpenter, "The Antiquity of the Greek Alphabet," *AJA* xxxvii (1933) 8-29; "The Greek Alphabet Again," *AJA* xlii, (1938) 58-69; "The Alphabet in Italy," *AJA* xlix (1945) 452-464.

be more important than the other: (1) the revival of economic life with new Phoenician techniques, (2) an increased interest among all *adsidui* in the methods of conducting public affairs. Certainly the art of writing is intimately connected with the methods of civic constitutions.

The hoplite republic at Sparta and Chalcis and Cumae on the Bay of Naples followed a republic of "the fighting men," but in other cities, even old communities, the hoplite republic may have been the first civic constitution. The adoption of civic constitutions by many Greek communities did not come until they were impressed by the success of those Greek communities which had adopted a civic constitution. Since the organization of a community was basically religious, it needed a powerful religious stimulus as well.

Some of the ideas for a republic probably came from the Phoenician cities, but whereas the Greek cities went on gloriously to the hoplite republic and to an even broader foundation of freedom, the Phoenician cities tended to retain more from the first stage (the republic of "the fighting men" with aristocratic domination) or made less complete adaptations of later elements. By 700 B.C. the leadership in new developments seems to have passed to the Greeks, although both the Phoenicians and the Etruscans shared in the same political movements. Long before 700 B.C., the rule of law in the form of a published code for a literate society had existed in the towns of the Fertile Crescent, and well before 754 B.C. other even essential elements of a civic constitution had probably made their appearance in the Canaanite or Phoenician cities. But the evidence so far available does not establish the origin of "democracy" in Phoenicia, still less so in early Mesopotamia.

In the *Iliad* (A 162) Achilles denounces Agamemnon for

taking away from him (Achilles) the prize which the sons of the Achaeans have given to him. Clearly the *kratos* lies with Agamemnon, and if the poet refers to the prize which the Achaeans "gave" (δόσαν) to Achilles, he does not mean that the Achaeans had the *kratos*. The Achaeans had shouted their approval, but the *kratos*, the real power of decision concerning the suggestions of others, lay with the *anax* not with the *laos*. The *anax* could even rescind the decision.

Thorkild Jacobsen, "Primitive Democracy in Ancient Mesopotamia," *Journal of Near Eastern Studies* II (1943) 159-72 interprets as primitive democracy evidence on assemblies which are not very different from that of the Achaeans before Troy. Such assemblies certainly do not come within my definition of democracy as a system in which the *kratos*, the final decision with binding force, belongs theoretically to the *demos*. The primitive assembly permits the autocrat and the people to keep in touch with each other; it does not itself make the decision. If the *demos* is defined on too small a basis or if the *demos* is mutilated by disqualification of many citizens in some way, the defect may be denounced as *oligarchia*, but the system still falls within my definition of *demokratia*, as long as the *demos* theoretically makes the main decisions. One can speak of good and bad *demokratia*, even genuine and spurious *demokratia*. On the other hand, a system where the final decision lies with something like the seven gods who determine destiny (Jacobsen, *op. cit.*, note 50) certainly does not come within my definition of primitive democracy, because the *kratos* does not belong to the *demos* theoretically. In such cases it belongs to a small group of elders who in no sense claim to be a δῆμον πλῆθος (or πλεθὺς), a totality of citizens. They speak, not as representatives, but as shepherds of their people. Whether the *kratos* lies with one or seven or

even thirty shepherds is not so different. With a system of *demokratia* there are no shepherds of the people at all,<sup>61</sup> though the *demos* which owns the land entrusts its common interests to leaders of its own choice.

<sup>61</sup> Aeschylus, *Persae* 241. "Who is shepherd of their flock?" asks Queen Atossa about the Athenians, and the messenger replies that no mortal man is.

## I

### *Some Problems of Early Republics:*

#### *Ephors and Tribunes*

I n a republic the right of decision on the main issues belongs to the People, who at first are represented by the magistrate(s) and by the group who fight the community's wars. The earliest constitutional struggles revolve around the form of the magistracy, the limitation upon the magistrate's power, the qualification of candidates, also the questions as to which decisions are made by the whole group of fighting men and which by the magistrate in their name, who belong to the group who fight the community's wars, in what sections they are to be organized, whether or not they have a share in the planning, and if so, how their part in the planning is arranged. From the conclusions of Chapter I we have a new approach to some of these problems.

For instance, we see more clearly that planning in a republic was at first in the hands of the aristocracy as previously under a king. Undoubtedly at Athens too an aristocratic Council (of the Areopagus) formulated plans for the assembly, until Solon created the shadowy but well attested Council

of the Four Hundred, which gave the Many among the citizens of zeugite rating, not the main role as the Many obtained with the Cleisthenean Council of the Five Hundred, but yet a modest share in the planning, alongside the Areopagus, though the president(s) of the assembly doubtless had power to disregard certain *probouleumata* of the first popular council.

Certain conclusions of Chapter I, namely, (a) that the Great Rhetra is a genuine document dating from the eighth, or less likely ninth, century but certainly antedating Theopompus, which establishes a civic constitution at Sparta, (b) that the Clarification or Supplementary Clause is a genuine document of the time of Theopompus which does not at all reduce the role of the damos but checks certain tendencies of the damos to usurp aristocratic privileges,—these conclusions affect one's view of the entire early history of Sparta and particularly of the early history of the ephorate.<sup>1</sup>

As is well known from Aristotle *Pol.* 1270b and 1294b, the ephorate is not only a republican institution but the kind of republican institution that passed for "democratic" in the sense of giving representation and power to plebeian elements. It was the institution that in the hands of the great ephor Chilon changed the course of Spartan history and began to satisfy "democratic" aspirations which most Spartans in the early sixth century shared with most other Greeks.

For the period before the ephorate achieved with Chilon its potentially dominating position within the Spartan constitution, there is only one historical sketch, rather late and very tendentious, the speech of Cleomenes III in Plutarch, *Cleomenes* 10. Plutarch's source, Phylarchus, has recently been

<sup>1</sup> On the ephors see the literature and discussion by Busolt-Swoboda, *Griechische Staatskunde* II (Munich 1926) 683-90 and W. den Boer, *Laconian Studies* (Amsterdam, 1954) 197-212.

studied in an always important and usually convincing article by Emilio Gabba, "Studi su Filarco: le biografie plutarchee di Agide e di Cleomene," *Athenaeum* XXXV, 1957, 3-55 and 193-239.

In the Life of Cleomenes 10 Plutarch gives, presumably from his source Phylarchus, the following speech of apology by Cleomenes after his murder of the ephors:

By Lycurgus the gerontes were added to the kings in a constitutional mixture and for long the city was so governed with no need of another magistracy. Later when the war with the Messenians was protracted, the kings themselves having on account of the military campaigns no free time, chose some of their friends for jurisdiction and left them behind in the city in their stead. These were called ephors, and they functioned at first merely as administrative assistants to the kings; then little by little they diverted the real power to themselves. Thus they made themselves into a separate magisterial college without anyone realizing what was happening. It is an indication of this that down to the present time the king at first refuses when the ephors send for him, also on the second occasion, though on the third summons the king arises and goes to them. In fact the first to strengthen their influence and tighten their grip, Asteropus, became ephor many generations later. While they were being moderate, it was better to put up with them, but when with a power that was a late acquisition they were breaking up the ancestral magistracy, so that they were driving out some kings and putting others to death without a trial, and were threatening those who longed to see again the noblest and most divine order in Sparta, it was unendurable.

We should do well to start with this speech and see how much of it can be accepted. Of course the speech is tendentious, but if it was to please anyone, it had to adhere to certain well known facts. Hence it cannot be dismissed as absolutely



false. The first step in the rise of the ephorate according to Phylarchus or to Cleomenes III seems to have been the assignment of judicial duties at the time of the First or Second Messenian War on the proposal of the kings. The rise to real power was a gradual process beginning many generations later in the time of an ephor Asteropus.

If we work backwards from the time of Chilon, we can admit that the rise of the ephorate was a gradual process of attempts to correct injustice and limit disorder throughout Greece in the late seventh and early sixth centuries, because we have no tradition of a revolution imposing the ephorate. We do not know anything about Asteropus who was ephor many generations after the ephors first received judicial functions of the kings, but Cleomenes (or Phylarchus) seems to have adhered to a generally accepted version. At least we have no right to reject this statement as wrong.

The statement that the kings themselves first created the jurisdiction of the ephors, and did so at the time of the Messenian War, finds strong support in Aristotle *Pol.* V, 11, 2-3 (1313a), who unambiguously attributes the ephorate to Theopompus as a curb on the kingship, and who cites the anecdote which we find also in Plutarch, *Lycurgus* 7, about the conversation between Theopompus and the latter's wife on the subject of a kingship whose power would be diminished by the ephorate. Incidentally the view that the ephorate was a curb on the kingship went back to Plato, *Laws* III 692a and *Epistle* VIII 354b. Plutarch uses Plato too but changes Plato's phrase about the ephorate as a curb-chain on the kingship to make it, as Gabba says, a curb-chain on the aristocracy. The anecdote which Plutarch has, not from Plato, but from Aristotle, still treats the ephorate as a curb on the kingship.

One can argue as to whether or not Plato knew the version

that Theopompus created the jurisdiction of the ephors. I think Plato did, but it does not matter too much. Certainly Aristotle knew that version and presumably accepted it. Furthermore, the probable conditions of the First Messenian War make the statement plausible, even though the anecdote explaining it has no chance of being right. The kings did have to be away and so were unable to hear trials at home. Furthermore, the supplementary clause with which according to tradition the kings Theopompus and Polydorus effected a clarification of the Great Rhetra and checked the aspirations of the damos in the assembly may well have been sweetened by a concession which placed jurisdiction at home in the hands of representatives of the damos. This interpretation would assume that the ephors had always represented the damos, a natural assumption, the assumption of observers in the Classical and Hellenistic Periods.

Therefore it may well be true that the jurisdiction of ephors in civil litigation went back to Theopompus and the First Messenian War, but this does not prove either that Theopompus was entirely free from political pressure or that this first step in the rise of the ephorate was the creation of the ephorate, as Cleomenes implied. The view that the ephorate arose in the time of Theopompus was promulgated doubtless at the beginning of the fourth century by king Pausanias, as Ed. Meyer perceived. The exiled king probably did not invent the story out of nothing but gave an interpretation of a traditional story already connecting the rise of the ephorate with the name of Theopompus. I will not infer either that the king Pausanias, who hoped to persuade, would have made his claim with no support or that the authorship of Theopompus was a mere inference from the list of ephors which to later writers seemed to have begun in the supposed genera-

tion of Theopompus. Certainly Aristotle's anecdote about the reply of Theopompus to his wife's criticism cannot have come in its Aristotelian form from Pausanias because it implies approval of what Theopompus did. While it is not impossible that the role of Theopompus goes back to a deduction by the king from the list of eponymous ephors and to an anecdote which arose before Aristotle but after Pausanias, I find it easier to assume that the role of Theopompus in the advancement of the ephorate was known before king Pausanias but was not interpreted in the same way.

An author writing before Pausanias, no less an author than Herodotus (I 65), says that the Spartans themselves attributed the ephorate to Lycurgus. While Plato, *Laws* III 692a, probably accepted an important part for Theopompus in the advancement of the ephorate and while Aristotle certainly did, Plato, *Epistle* VIII 354b, believed that in a certain sense the ephorate went back to Lycurgus, and the reference to "the lawgiver or chance" in Aristotle, *Pol.* II 9, 21 (1270 b) suggests that also Aristotle believed in the creation of some sort of ephorate by the founder of the republic. The evidence, therefore, weighs against the theory that Theopompus created the ephorate, though he probably made the ephorate important by creating for it a new province.

Furthermore the ephors had some very archaic duties. When did the custom of a monthly exchange of oaths between the king and the ephors arise, the ephors on behalf of the civic community, the king on his own behalf? <sup>2</sup> Was this not a ceremonial reenactment of the original compromise between the king and the damos? What did the ceremonies of the triple summoning of the king <sup>3</sup> and of the subordination

<sup>2</sup> Xenophon, *Lac. pol.* xiv 7 Ollier.

<sup>3</sup> Plutarch, *Cleomenes* 10, 5.

of the king to the ephors seated at a certain time upon the *ephorikoi diphroi* mean? <sup>4</sup> These ceremonies symbolized that the *kratos* had been transferred from the king to the damos and that the king recognized the *kratos* of the damos whose representatives were the ephors seated upon the *ephorikoi diphroi*. It seems to me that the most likely time for the initiation of these ceremonies was at the moment of the original compromise, the foundation of the republic. Finally, the ephors went out once every nine years on a cloudless moonless night and from a certain place watched a certain area of the sky for a shooting star which was supposed to indicate divine dissatisfaction with one of the kings and to call for a consultation of an oracle at Delphi or Olympia.<sup>5</sup> This was not the sort of rite that Theopompus would have assigned to the ephors during a war. It seems far too archaic for later periods. It surely goes back to the beginning of the republic, and perhaps even beyond that.

For these reasons I assume that when the republic was established in the eighth (or less likely ninth) century the *kratos* was of course transferred in theory to the damos, but actually it was transferred to the Gerusia which initiated all plans. Incidentally that is how I interpret Plutarch's phrase (*Agis* 11), τοὺς γέροντας οἷς τὸ κράτος ἦν ἐν τῷ προβουλεύειν.<sup>6</sup>

<sup>4</sup> "To greet the king all rose from their seats except the ephors from the *ephorikoi diphroi*" (Xenophon, *Lac. pol.* xiv 6 Ollier).

<sup>5</sup> Plutarch *Agis* 11.

<sup>6</sup> Plutarch uses the word *προβουλεύειν* by analogy with the practice of more democratic states. The aristocrats who made up the king's council of elders in pre-republican communities were accustomed to formulate plans. Hence the aristocratic planning for the Lacedaemonian republic was a continuation of a pre-republican custom, except that now the damos rather than the king gave approval. The democratic device of *probouleusis*, on the other hand was aimed to overcome the aristocratic monopoly of planning. The true invention of *probouleusis* occurred wherever a βουλή δημοσίη

Though the aristocrats meant to obtain the actual *κράτος* for themselves by means of the Gerusia, they gave the *kratos* to the damos not only theoretically in the assembly of full citizens but symbolically in ceremonial officials called ephors, who at first probably had no real power but performed the service of representing at public functions the theoretical *kratos* of the damos.

For the same reason I assume that the eponymate of the ephor goes back to the beginning of the republic, but there is no reason for the ephors to be mentioned in the Great Rhetra, which covers only what the aristocrats regarded as most important, a bare minimum which omitted all sorts of details. They did not need Apollo's explicit consent for the establishment of ephors.

Someone organized the republic. The Spartans assigned not only their political constitution but also their ancient social customs to Lycurgus, to whose great name the credit for institutions and customs of various periods gravitated. He was not a king in any version of the legend. He was not truly a lawgiver<sup>7</sup> like Zaleucus or Charondas either, but as Dickins<sup>8</sup> perceived, he was essentially an arbitrator on whom later generations foisted the responsibility for rigid customs deemed necessary in the military protection of Sparta's superior position at home and abroad.

The preceding examination of the ephorate will answer

was first invented. One early example may be found in the inscription reedited by J. H. Oliver, "Text of the so-called Constitution of Chios," *AJP* LXXX (1959) 296-301. The democratic wave which introduced the *probouleusis* elsewhere increased at Sparta the influence of the ephors, who could summon a *μικρὰ ἐκκλήσια*. In oligarchic republics a board of *probouloi* replaced the aristocratic planners.

<sup>7</sup> F. E. Adcock, "Literary Tradition and Early Greek Code-Makers," *The Cambridge Historical Journal* II (1927) 95-109.

<sup>8</sup> G. Dickins, "The Growth of Spartan Policy," *JHS* XXXII (1912) 1-42.

certain questions which might otherwise arise. One point must be emphasized. The ephorate arose gradually to a dominating position by the time of the Persian Wars as a curb-chain on the old magistrates or on the aristocracy or on both.

The wave of correction which at the beginning of the sixth century brought the ephors into a potentially dominating position over the ancient magistrates of Sparta produced also at Athens a potentially powerful check on the magistrates but of a very different type. At Athens the magistrates had to stand an audit when they left office. This control in classical times lay in a popular court from the *Heliaea* which Solon had in a sense created and to which he admitted the *thetes*. There was also a confirmation of the magistrates in each *prytany*, but the real control was the final audit before a popular dicastery, and Aristotle, *Politics* II 1274 A says that the audit of magistrates before a dicastery was established apparently by Solon. The latter also established the right of appeal from the sentence of a magistrate to a dicastery (*Ath. Pol.* 9, where the epoch-making importance is underlined). Of course under Solon only rudimentary forms of these controls can have yet existed.

In Chios of the early sixth century the power of the magistrate to impose sentence was limited by the right of appeal to a council chosen from the *demos* (*AJP* LXXX [1959] 298).

What about Rome? Was no attempt made to limit the magistracy here as in other republics?

The city-state institutions of Rome were, as Coli (*Regnum*) saw, not derived from an Italian non-Etruscan background but were an early Roman acceptance of a modern world in which the Greeks, Etruscans and Phoenicians were the leaders. In fact, the adoption of city-state institutions by the Romans, though a translation into Latin forms, constituted a tremen-

dous break with the old Italian world. Furthermore, it implied a recognition of the roots of another people's superiority, but Julius Caesar, who knew the character of the Romans, hit the mark when he said, "Our ancestors preferred to imitate rather than envy excellence."

The change began before the Republic.

When the Romans established a republican form of government, they were acting in the "modern" tradition of that era. Now one must think of all the republics as animated by discussions concerning republican problems and concerning the way other republics solved or failed to solve the same problems. Since the active citizens were the active soldiers, the military success or failure of this or that republic would have impressed them particularly. The citizens of Rome would have known the nearest republics best, but they may have admired more the distant republics of which they had merely a second-hand acquaintance. At least the leaders of various factions would have listened with interest to accounts concerning the problems of famous republics like Sparta, Athens, Corinth and Chalcis. One fruitful way of approaching early Roman history is to ask ourselves how stories about Sparta, Athens, Corinth and Chalcis would have sounded to Roman leaders in 510, 471, 454, and 449 B.C., years in which the Etruscan power and influence were declining and the reputation of certain Greek republics was rising. The Roman leaders would probably have had little interest in naval battles but tremendous interest in constitutional crises and infantry battles.

For instance, in 506 B.C., after the expulsion of the Pisistratids, Cleomenes I led a Peloponnesian army to Eleusis against the Athenians, while the Boeotians and Chalcidians attacked the Athenians from the north. To the astonishment of every-

one the Athenians escaped the Peloponnesian threat because of the Corinthian refusal to cooperate with the Spartan king, and the Athenians defeated first the Boeotians, then the Chalcidians, in pitched battles. Herodotus V 78 shows how the news reverberated around the world of republics, when he writes: "The Athenians now grew (in strength and reputation). It is clear that not just in one way but in every way the system of equality (i. e. *demokratia*) is a great thing, since in fact the Athenians, when under tyrants, were superior in war to none of their neighbors, but, when released from tyrants, showed themselves first by far."

Stories about constitutional developments would have had on plebeian leaders a very different effect from that on patrician leaders. The plebeian leaders of the first half of the fifth century who had heard about the constitutional development at Sparta and Athens would have had serious doubts about the Athenian solution placing Athenian aristocrats at the head of a movement to break the aristocratic control of the state. On the other hand, the rise of the five ephors to a position of control over the whole Spartan constitution early in the fifth century might have suggested, probably did suggest, a positively ideal solution to the plebeian leaders. The proper approach to Books II and III of Livy is not to interpret the history of the tribunate as basically a retrojection of problems of the last hundred years of the Roman Republic, but as reflecting with occasional misunderstanding an attempt at Rome to imitate what representatives of perhaps many a Greek *demos* had done, particularly what the ephors, without impairing the military success of the Republic of the Lacedaemonians, had so brilliantly achieved at Sparta.

The patricians could not tolerate the thought of five plebeians dominating the republic. Livy II 34, 9-10 has Marcius



Coriolanus ask, "Why do I behold plebeian magistrates? Why do I behold a Sicinius exercising power? It is as if I had just been sent under the yoke or had just been ransomed from bandits. Should I endure these indignities longer than necessary? I who would not have put up with a king like Tarquin, should I put up with a Sicinius?" It does not matter that most of the Coriolanus legend is late and that Livy had no record of any speech. What does matter is the Roman tradition into which this amplification has been woven. What were the plebeian leaders of the first sixty years trying to do by means of the tribunate? Livy III 41 emphasizes the hatred and fear of the tribunes in all patricians. The bone of contention in Livy's account was not the *ius auxilii* but the efforts made by the tribunes to secure the upper hand over the consuls, whom they allegedly indicted as they left office and whom they often tried to dominate, or at least to influence in a way that seemed an attempt at domination and probably arose out of a different theory of what constituted a true republic.

Moreover, a passing remark of a keen student of the Roman constitution deserves more respect than it usually receives. It shows clearly that Cicero assumed as a well known fact that the tribunate of the plebs was an early attempt to limit the magistracy in the Spartan and Cretan way. Cicero, *De re pub.* 2.33 says: "nam etiam Spartae regnante Theopompo sunt item quinque quos illi ephoros appellant, in Creta autem decem qui cosmoe vocantur, ut contra consulare imperium tribuni plebis, sic illi contra vim regiam constituti." The reader will not have forgotten that the Spartan kings, despite the old title, were republican magistrates.

How close the tribunes of the plebs actually came to developing into a board of ephors appears from the use the

Senate was able to make of them against the independent consuls of 431 B.C. According to Livy IV 26, 8-10, the Senate appealed to the tribunes to use compulsion by virtue of the power of their office (*ut . . . consules pro potestate vestra cogatis*). The tribunes then declared publicly that if the consuls did not comply with the advice of the Senate, the tribunes would order their arrest. The consuls submitted, saying that the *summi imperii ius* had been betrayed by patricians and that the consulate had been enslaved to the tribunician power. The existence of the story and of similar anecdotes in IV 56, V 9 and XXIX 20 implies that the consulate had been able to resist the pressure of tribunes at the head of the *plethys* because the consuls had usually enjoyed the support of the patricians as a group, in fact had been agents of the Senate or patrician Order. The tribunes had claimed a *maior potestas* under certain conditions as representatives of the *populi maiestas visque maior*, a phrase of Livy's (II 7, 7), which virtually means *δήμον νίκη καὶ κράτος*.

The patricians, as they listened to stories about constitutional crises in famous republics, would have been impressed by the success of Athenian aristocrats like Miltiades, Xanthippus, Cimon, Pericles in maintaining under changing conditions effective control over the state. There were no ephors at Athens, and the Athenians too were phenomenally successful in war. While some patricians maintained a purely negative attitude in the face of a rising tide of democracy, others hoped to deflect the attempt at saddling Rome with a board of ephors called tribunes of the plebs by the examination of less offensive methods. One of the most obvious ways of improving the sick republic at Rome was to study the constitution and laws of the most successful republics elsewhere, and to study them at first hand. No city whose successes

were achieved under a tyrant and no city with a poor military record like Tarentum would have served, but surely Athens, a republic and the leader of a league, would have looked both free and (in policies initiated before the reforms of Ephialtes) successful to practical Romans in the fifth decade of the fifth century. In fact, Livy III 31, 8 says that an embassy consisting of Sp. Postumius Albus, A. Manlius and P. Sulpicius Camerinus was sent to Athens in 454 B.C. to gather information on the institutions of that and other Greek cities. Some may have expected that a Panhellenic Congress would meet there.

Though the democratic wave at Rome made the power of the tribunes for a while the most important constitutional question, there were other questions, which arose amid the frustrations of the early Republic, and which became perhaps more important to the plebs. Since these problems interlocked in various ways, it is only fair to say a word at least about the plebs itself and the assemblies through which the *kratos* of the *demos* could have been expressed at Rome.

When the Romans of the Republic compiled census figures, they compiled figures for the community of the fighting men. When Herodotus said that it was easier to fool 30,000 than one, he meant the 30,000 as an approximation to the constantly shifting number of Athenian fighting men. When, on the other hand, it was said that before the reforms of Cleisthenes there were at Athens four tribes, twelve phratries or trittyes, 360 *genê* and 10,800 men, that was not an approximation or a dream but an exact figure based on a normal levy of heavy infantry, a mere selection out of the, say, 30,000 fighting men.<sup>9</sup>

<sup>9</sup> Could not the *genê* have been *quadri di leva*, i.e. small units expected to produce thirty hoplites each whenever a levy occurred? How was the state to be certain that there would be enough hoplites and that each

When Varro, *De lingua Latina* 5, 89 and Dionysius of Halicarnassus II 15 gave a Roman army of three tribes, thirty *curiae* and 3,000 men, that was not an approximation or dream but an exact figure based on a once normal levy of heavy infantry. It is supported by the credible etymology of *miles* and by the fact that the number of *curiae* and of pre-Servian tribes remained frozen throughout Roman history.

This Roman adaptation of city-state institutions went back at least to the sixth century. \**Coviriae* doubtless preexisted, but the system of thirty *curiae* was new. If the names of the three tribes were, as it is thought, Etruscan, it would seem that the new organization was basically Etruscan. Not just 3,000 Romans belonged to the *curiae* but all adult Roman males. These would be the Quirites according to a modern etymology. The ancients who derived the word Quirites from the name of a Sabine town were making the usual kind of bad guess. As De Visscher notes,<sup>10</sup> the original antithesis

group would do its part, if a definite number of hoplites were not required? If then the *genê* were *quadri di leva*, the thetes would not have belonged to *genê* of this sort, but the members of the other Solonian census classes would have belonged. Jules Labarbe, *La loi navale de Thémistocle* (= Bibliothèque de la Faculté de Philosophie et Lettres de l'Université de Liège, CXLIII [1957]) 186, note 2, thinks that the number 10,800 may be based on a sound figure but that the *genê* of thirty men each are wrong. If the number 10,800 is acceptable to a student of Athenian population, I should wish to accept also the *genê* of thirty men each as convenient subdivisions of military phratries. The *gennetai* of these *quadri di leva* could be contrasted with the ἀσύντακτος ὄχλος (for the phrase see Plutarch, *Pericles* 12, 4). The levy was based on the relatively good land of some ancient distribution into once inalienable lots, one lot or one group of lots to each *genos*, which in the sixth century had to supply thirty men each.

<sup>10</sup> On Quirites and Latini as opposites see Fernand De Visscher, "Ius Quiritium, civitas Romana et nationalité moderne," *Studi in onore di Ugo Enrico Paoli* (Florence, 1955) 239-251. See also Antonio Guarino, "Ius Quiritium," *Iura* 1 (1950) 265-271, though the view that at one time patricians alone were Quirites is unacceptable to me. A good statement by Ugo Coli occurs in "Regnum," *SDHI* xvii (1951) 65-67.

of the Quirites were the Latini. All the Quirites shared in certain religious rites. Under a king they would not have had any political role, but an assembly of the Quirites would have been called to recognize and accept a new king. Furthermore, they would have been called presumably to hear announcements and to witness certain acts like testaments and adoptions.

Later, in the sixth century under Servius Tullius, the community of the fighting men was reorganized, probably because population shifts had antiquated the old *curiae* by making the levy unequal in its incidence and partly because an adoption or improvement in the use of hoplites placed greater emphasis on the distribution of *adsidui* and others who could equip themselves with heavy armor. Many hoplites and few light-armed troops were needed. Therefore, Servius Tullius divided the community of all Romans into new tribes and into census classes. There may have been one class called the *classis*, and the rest may have been lumped together as *infra classem*, although in later times there were five classes and a group below the classes. The essential is that a system found in Athens, Chalcis and many other republics was now introduced into regal Rome. The class or first class was expected to provide a large number of infantry centuries to the army. The poor, and more numerous probably, contributed a smaller number of centuries. The cavalry, at first enrolled from the aristocracy, was eventually increased, perhaps now, but it did not undergo the same kind of fundamental reorganization.

According to the unanimous Roman tradition the monarchy was overthrown in 510 B.C. or thereabouts by the aristocracy with the help of the fighting men in the name of a republic to be established at once. That would mean to almost anyone a transference of the *kratos* to an assembly of the people. The

*populus* could be assembled in the traditional but antiquated *curiae*. The assembly of the *curiae* continued to meet in order to recognize and accept the two annual magistrates who replaced the king, just as they used to meet in order to recognize and accept a new king. This assembly, accordingly, was, despite its antiquated distribution, a possibility which seems to have been used on certain occasions besides those of the traditional religious and semi-religious functions. However, the assembly of the people was rather the assembly in centuries, where the class that provided the heavy-armed infantry preponderated. Now the antithesis of the term Quirites became the *exercitus centuriatus*.

At one time, despite the unanimous Roman tradition, I was inclined to agree that the kingship might have continued after 510, but on reflection it seems to me that the dedication of a temple to Jupiter Optimus Maximus in 509 B.C. and the displacement of the cult of Jupiter Rex connected with the *rex* in favor of the cult of Jupiter Optimus Maximus served on the ceremonial occasion of the *clavus annalis* by a *praetor maximus* as the highest cult of the community have a meaning such as the substitution of a cult served on anniversaries by a chief archon for the cult of a *basileios theos* would have in a Greek city. The kingship had come to an end. That does not mean, however, that everyone at Rome would have agreed in 509 B.C. that the promised republic had really been established.<sup>21</sup> Actually the aristocracy gave the *populus* very little share in the *kratos*.

<sup>21</sup> The literature even of the last few years is so enormous that I merely refer the reader to P. Fraccaro, "Ancora sull'età dell'ordinamento centuriato," *Athenaeum* xxii (1934) 57-71; U. Coli, "Regnum," *SDHI* xvii (1951) 1-168; P. de Francisci, "La comunità sociale e politica romana primitiva," *SDHI* xxii (1956) 1-86; the *Forschungsbericht* of E. S. Staveley, "The Constitution of the Roman Republic 1940-1954," *Historia* v (1956) 74-122;

The question as to what happened in the first year of the Republic hinges on the role of the legendary L. Junius Brutus, a plebeian. Other plebeian names in the list of consuls<sup>12</sup> from the first hundred years of the Republic can be explained, if need be, as those of old patrician families extinct in the period of the annalists, but not that of L. Junius Brutus, who became a legend because he played a leading role in the Revolution which established the Republic. He was doubtless a man of extraordinary qualities, but he did not survive the first year. If he really became a member of the first pair of consuls, it would seem that the patrician aristocracy did not transfer the *kratos* to the People but pretended to give the *plebs* a share in the *kratos* by making the leading plebeian one of two consuls in the first year of the Republic. They probably would have liked to do what the Bacchiads of Corinth did on overthrowing the kingship, i. e. replace the kingship by an annual *prytaneia* rotating among themselves, but, not daring to do so, they created a dual *prytaneia* consisting of two *praetores maximi*, perhaps with the intention of eventually eliminating the plebeian participation entirely or of choosing occasionally a plebeian on whom they could rely. So it seems when one examines the first year with the background of Chapter I, if it is assumed that Brutus actually became a consul.

P. Fraccaro, "The History of Rome in the Regal Period," *JRS* XLVII (1957) 59-65; A. Momigliano, "Perizonius, Niebuhr and the Character of the Early Roman Tradition," *ibid.* 104-114.

<sup>12</sup> For the consuls one consults of course the masterly work of T. R. S. Broughton, *The Magistrates of the Roman Republic* (= APA Monograph xv [1951]). New points of view which differ from mine are presented in a brilliant book by Krister Hanell, *Das altrömische eponyme Amt* (= *Acta Instituti Romani Regni Sueciae*, Series in 8°, II [1946]), and in a stimulating article by Aurelio Bernardi, "Dagli ausiliari del rex ai magistrati della repubblica," *Athenaeum* N.S. xxx (1952) 3-58, from both of which I have borrowed ideas.

On the other hand, it may well be that the aristocracy did transfer the *imperium* at first to a single official called *praetor maximus*. If so, the dissatisfaction of the community soon forced a change by which the annual *prytaneia* was vested in two *praetores maximi consules*. Even if the magistracy started as that of the *praetor maximus*, I assume that a dual magistracy came into being before the Secession of the Plebs in 494 B.C., probably with appointments for the second year of the Republic. I think that the two *tribuni plebis* of 494 B.C. were modeled on an existing dual magistracy which the patricians had vainly hoped would calm the popular indignation over the unlimited power of the office in the hands, if it ever was, of a single *praetor*. It seems to me possible that Junius Brutus was one of the chief heroes of the Revolution but never a consul; rather he was religiously ineligible for the consulate, a plebeian, whose importance was later exaggerated at the expense of the *praetor maximus* (M. Horatius?) and of patrician leaders. During the struggle of the Orders he exemplified, for plebeians the plebeian contribution to the liberation of Rome, for patricians the old Roman *virtus* which contemporary plebeian leaders lacked. The very abundance of consuls recorded for the first year of the Republic shows the weakness of the tradition for this year. The Roman emphasis, at first perhaps unofficial, on the adjective *consules* and the fact that the traditional Greek term *στρατηγοὶ ὑπάτοι* is a translation of *praetores maximi* suggest that the magistracy began as that of a single *praetor maximus* and that it was later divided between two peers.

In Etruscan towns there existed a single *purθ(ne)*, who apparently was a *zilaθ*, i. e. a praetor, but as CIE 5315 = TLE 325, which commemorates a man who had been *zilaθ* seven or eight times and *purθ(ne)* once, indicates, the office of



*purθ(ne)* was the culmination of a career. There can be little doubt that *purθ(ne)* and *prytanis* are the same word, whether or not the office of *purθ(ne)* resembled the *prytaneia* of the Corinthian Bacchiads or a later development. I, at least, suspect that the *purθ(ne)* was a *prytanis* of the Bacchiad type, a single *praetor maximus*, perhaps an occasional officer like the Roman dictator, more probably a regular officer like the dictator of a Latin city.<sup>13</sup> Some by way of making a fine distinction would compare the *zilaθ purθ(ne)* with the chief archon at Athens, perhaps rightly. But at what period? It is clear that around 582 B.C., when citizens would fight over it, the chief archonship at Athens was a much more important office than in the fifth century and much closer to a *prytaneia* of the Bacchiad type. To express it with deliberate vagueness, an official like that called *prytanis* in Bacchiad Corinth, or archon in old Athens, or dictator in a Latin town, or *zilaθ purθ(ne)* in an Etruscan town, may have once been present at Rome as a single *praetor maximus*. The strongest indication that the *praetor maximus* was not originally one of two consuls is the occasional appointment of a dictator *clavi figendi causa* in a time of pestilence or other crisis to drive a nail into the wall of the temple as in the early days of the Capitoline temple a nail was to be driven annually by the *praetor maximus*. By this argument Krister Hanell in his book, *Das altrömische eponyme Amt* (Lund, 1946), has proved, to my satisfaction at least, that the annual magistracy at Rome did in fact begin as that of a single *praetor maximus*, though we differ on the secondary question as to how long the Romans continued to appoint a single *praetor maximus*. And

<sup>13</sup> On the Etruscan *purθ(ne)* and on the various types of *zilaθ* see Santo Mazzarino, *Dalla monarchia allo stato repubblicano* (Catania, 1945) 76-119; Jacques Heurgon, "L'état étrusque," *Historia* vi (1957) 63-97, with the literature there cited.

a Roman dictatorship was a magistracy, hence in theory a temporary return, not to kingship, but to the office of a single *praetor maximus*.

In republics of an archaic type the chief magistrate may have been a *πρύτανις ἄκριτος* (Aeschylus, *Suppl.* 371) or *ἀνεύθυνος*, who for all practical purposes himself exercised the *kratos*, since the distinction between decisions which the demos had to make and which he made was not very clearly formulated. V. Ehrenberg, "Origins of Democracy," *Historia* I (1950) 517-24 has shown that in the *Suppliants* the background is "democratic." Perhaps one might better say "republican." Here one sees an ideal prytanis submitting an important question to the demos for a decision. He refuses to take action without the decision of the demos. In line 398 he expresses himself in a sentence that sounds as if he held a position very like that of a single chief magistrate with *imperium*: "This I would not do without the decision of the demos, even though I command" (οὐδέπῃ κραιῶν). Actually he would have turned to the Gerusia rather than to the demos, at least at first, but in republics of an archaic type one doubtless relied heavily upon the *pistis* or *fides* of the magistrate.

Let us return to the college of two *praetores maximi*.

The magistracy was now limited but only by the right of one to block the other and by the fact that the term would last for just a year. Two regular magistrates, i. e. the consuls or *praetores maximi consules*, wielded the *imperium* of the king. The *populus* was seldom consulted about anything. Of course in *comitia centuriata*, according to Livy, the *populus* chose their consuls from a list of candidates established by the aristocracy. One might argue that the aristocracy did not convey the *kratos* to the *plethos* or *plethys* at all but to themselves in the magistracy, though it is possible that, as Bernardi

might hold, they at first occasionally shared the consulate with safe plebeians of their own choice.

The idea expressed by the Greek word *plethos*, which emphasized the totality of the citizens against a king, tyrant or minority, came into Rome with the rest of the theory and problems of a republican constitution. The Latin word which rendered the tone of the Greek word *plethos* was *plebes*. Brugmann derived the Latin word, which unlike *plethos* is feminine, from the Ionic variant ἡ πλεθὺς, which might, I think, have been used at Cumae and which Dionysius of Halicarnassus constantly employs for plebs instead of the form *plethos*, standardized by Herodotus and the Attic authors. The selection of the rare and obsolete Ionian variant by Dionysius implies, I think, a belief in the derivation of *plebes* from *plethys*, which, according to Brugmann first became *pledhw-*. Personally I accept this etymology, but if this etymology were wrong, the word *plebes* would seem to be connected in some way with *plenus*, so that the idea of a totality still holds good as the basic meaning of the word. Just as *plethos* has in Greek a strong political color, so *plebes*, whether or not a loan word, had a strong political color and originally meant the totality of citizens.

The word *populus*, which etymologically meant the army, of course rendered the idea represented in Greek by *demos*. The fact that the tribunes were called *tribuni plebei* (or *plebis*) and the assembly of the plebeians arose under the very name of *plebes* shows (*pace* Hoffman R.-E. s.v. "Plebs") that the political use of the word *plebes* began among the plebeians themselves. It was not the patricians who first used it. Rather, the patricians during the first century of the Republic cut themselves off from the plebs<sup>14</sup> so that the word

<sup>14</sup> F. Altheim, "Patriziat und Plebs," *Die Welt als Geschichte* VII (1941)

*plebes* gradually changed its meaning. At first, it was the word employed by those who felt indignantly that a real republic had not been established. The evidence for the transference of the *kratos* theoretically, not to the *plethys*, but to the magistrates themselves lies particularly in the peculiar institution of the consular and praetorian *imperium* and in the survival of the *lex curiata de imperio*. For by the end of the kingship the king's *imperium* had merged with the king's *potestas* (= *kratos*). Thus the *imperium* and the investiture or recognition by the pre-republican assembly of so-and-so's possession of the *imperium*<sup>15</sup> were institutions of kingship.

217-233; Hugh Last, "The Servian Reforms," *JRS* xxxv (1945) 30-48 at p. 31; A. Bernardi, *Istituto Lombardo, Rendiconti*, lxxix (1945-6), 22-26.

<sup>15</sup> That the *lex curiata de imperio* originally invested the higher magistrates with their *imperium* is recognized, but one reference to it has continued to trouble students of Roman public law. The augur M. Messala, who was consul in 53 B.C., is cited by Aulus Gellius xiii 15, 4 as saying: *Minoribus creatis magistratibus tributis comitiis magistratus sed iustus curiata datur lege maiores centuriatis comitiis fiunt*. This makes no sense unless the words *sed iustus curiata datur lege* are removed from their present position. If they are removed, the augur Messala makes perfect sense, because the verbal variation between *creari* and *fieri*, two expressions for election, causes no difficulty; he is saying: "Whereas the lesser magistrates are elected in the *tributa comitia*, the higher magistrates are elected in the *centuriata comitia*." It is quite unnecessary to add a single word or even letter here. The words *sed iustus curiata datur lege* remain to be explained. As a gloss they are inappropriate. Therefore, they must be approached as a transposition. In fact they seem to belong immediately after the words *magistratus maiores centuriatis comitiis fiunt*. The word *iustus* needs attention. What was given by the *lex curiata*? The right to use the *imperium* of course. It follows that *iustus* must be a corruption of *ius* < > *tus*, and the subject makes it hard to accept as the second word anything but a genitive <magistra>*tus*. Can one speak of the *ius imperii* of a magistrate? Livy iv 26,10 does: *Consules ab tribunis quam ab senatu vinci maluerunt, proditum a patribus summi imperii ius datumque sub iugem tribuniciae potestati consulatum memorantes*. Accordingly, the passage from the *De auspiciis* of M. Messala has undergone only the slightest corruption. It should read: *Minoribus creatis magistratibus tributis comitiis, magistratus maiores centuriatis comitiis fiunt, sed ius <magistra>tus curiata datur lege*. "Whereas the lesser magistrates are elected in the tribal assem-

Cicero, *De rep.* I 60 wrote: *cur ergo dubitas quid de re publica sentias? in qua si in plures translata res sit* (cf. ἐς τὸ πλῆθος φέρειν τὸ κράτος) *intelligi iam licet nullum fore quod praesit imperium.* Hans Drexler, "Res Publica," *Maia* IX (1957) 250 translates the pregnant word *res* with the phrase "die Macht im Staat" correctly and comments on the word *imperium* "das nur eines sein kann." Evidence for the transference of the *kratos* theoretically, not to the *plethys*, but to the magistrates themselves lies also in the distinctive character of the Senate's planning. The Senate's advice was advice to the magistrate, not to the People. And the normal development of Roman Law was not through legislation in a popular assembly but by interpretation expressed in the magistrate's edict. Of course the magistrate conducted *rem publicam*, not like the king *rem suam*, and the *imperium* did not have theoretically the full extension of the *regia potestas*, but it was indeed *nimum nec tolerabile liberae civitati* (Livy III 9, 2).

The *plebs* of Rome would not accept this evasion of the promises seemingly made by the aristocracy during the revolution. If the *imperium* was to remain in the hands of magistrates selected by the aristocracy, then a power of *intercessio* would have to be granted to commoners elected by the *plebs* to watch the magistrates. The evidence for this interpretation lies in the consensus of Roman traditions concerning the establishment of the tribunate in 494 B.C. in the so-called First Secession of the Plebs, which in Livy's description was a secession of the infantry.

The way in which the powerful magistrates were chosen must have been particularly frustrating to plebeian leaders. The six centuries of cavalry in which the aristocracy served

bly, the higher magistrates are elected in the centuriate assembly, but in their case the right of the magistracy is granted by a *lex curiata*."

destinated the candidates. Now this is not stated by any ancient author, but it may be inferred from two facts, first that in later times six of the eighteen equestrian centuries in the *comitia centuriata* were still called the *sex suffragia*,<sup>16</sup> a name which they could hardly have acquired while the *kratos* still belonged to a king, second that Augustus, who scrupulously observed Republican precedents, returned to a system of *destinatio* by senators and leading *equites*, as we know from the Tabula Hebana.

Out of the secession of the infantry grew the plenary assembly, which either from the beginning or soon afterwards included, not only the infantry, who were men of property, but the have-nots, the *capite censi*, in a coalition against the aristocracy. At the beginning, the issues to divide the have-nots and the heavy-armed infantry had not yet arisen and the have-nots were not so numerous as to worry the infantrymen, or perhaps the *nexum* threw the infantry and the have-nots together, so each man's vote was permitted to count as much as that of any other member of the tribe. Here the organization and voting were by tribes. Those who felt that because, as it were, the *kratos* had not been transferred to the People, a true republic had not been established, sought to make of the plenary assembly the popular assembly of the Roman People. The aristocrats, on the other hand, tried to prevent the growth of the plenary assembly by obstruction and concessions, e.g. by recognizing *tribuni plebis* who were elected by the old pre-Republican *comitia curiata*, in which the clients of the aristocracy had more influence because of an outdated distribution. In 471, the year in which the tribunes accord-

<sup>16</sup> A. Alföldi, *Der frühromische Reiteradel und seine Ehrenabzeichen* (= Deutsche Beiträge zur Altertumswissenschaft 2, 1952) 93-101 for the *sex suffragia* as the centuries of the old aristocracy.

ing to Livy II 58, 1 (otherwise Diodorus) were raised to the ominous number of five, their election was transferred to the plenary assembly to escape that influence.

In the middle of the fifth century the establishment of a republic (*ἐς τὸ πλῆθος φέρειν τὸ κράτος*) was carried through with more sincerity. However, it was far from a complete victory for a democratic element among the plebeians. The *kratos* was transferred to the People theoretically, but the plenary assembly did not become the sovereign assembly of the Roman People. For some purposes, perhaps ill defined, it was indeed the sovereign assembly of the Roman People, the *comitia tributa*, the *plebes* in the sense of *πλῆθος*, but for the most important purposes the centuriate assembly received recognition by both factions as the *comitiatus maximus*, in a compromise settlement.<sup>17</sup> The *imperium* of the magistrates was not destroyed, but it now had to be exercised within the framework of the Twelve Tables and the *iussa populi*. At this date when legislation, obviously inspired by the example of Greek republics, was establishing a more genuine republic in Rome, some check on the magistrate's right to carry out a sentence against a citizen must have been recognized. Most modern scholars would agree with Heuss<sup>18</sup> that the *ius auxilii* provided this check, not the *lex de provocatione* of 449 B.C. which probably did exist, still less the alleged *lex de provocatione* of 509 which is almost surely a retrojection. The

<sup>17</sup> E. Stuart Staveley, "Provocatio during the Fifth and Fourth Centuries B.C.," *Historia* III (1955) 412-428; J. Bleicken, "Ursprung und Bedeutung der Provocation," *ZSS* LXXVI (1959) 324-74. Before 449 B.C. *provocatio* did have the character of a desperate appeal to a revolutionary tribunal, as Bleicken says, but also—and Bleicken does not allow for this—an embarrassing call for the normal procedure of a genuine republic, which Rome of course only pretended to be.

<sup>18</sup> A. Heuss, "Zur Entwicklung des Imperiums des römischen Oberbeamten," *ZSS* LXIV (1944) 57-133.

*provocatio* of 449 B.C. would have functioned in connection with the *ius auxilii*. When in the late fourth century the tribunes tended to be drawn from a new aristocracy, the *ius auxilii* no longer served its purpose adequately, and a new check, introduced by the *lex Valeria de provocazione* of 300 B.C., supplemented the old in case the *tribunes*, who now often wished to co-operate with consuls, were slack in aiding the humble. The *ius auxilii* had not changed but the attitude of tribunes had most certainly changed in the second half of the fourth century.

To return to the middle of the fifth century, an area for assemblies of the People was marked out at this time, a *comitium* modeled after the assembly place on the Pnyx at Athens. The evidence that the *comitium* was constructed in the middle of the fifth century comes from archaeological investigations.<sup>19</sup>

In the more republican or democratic reforms of the middle of the fifth century some changes may have occurred in the representation and functioning of the assembly of the centuries, perhaps not in the representation but in the functioning. At some period the other twelve equestrian centuries are known to have assumed voting precedence over the *sex suffragia*, and it is my theory, incapable of strict proof but in keeping with the rhythm of affairs, that in the middle of the fifth century the *sex suffragia* lost the right of *destinatio*, not only the right of *destinatio* but at the same time their praerogative position. They now voted after the twelve centuries which were empaneled with plebeians.

The *lex Valeria Horatia* of 449 B.C. contained among other

<sup>19</sup> E. Gjerstad, *Il comizio romano dell'età repubblicana* (= Skrifter utgivna av Svenska Institutet i Rom, 5, Opuscula Archaeologica, 2, Lund, 1941) 97-158; E. Sjöqvist, "Pnyx and Comitium," *Studies in Honor of D. M. Robinson*, II (St. Louis, 1951), 400-411.



things the compromise *ut quod tributim plebes iussisset, populum teneret*. In 449 this had nothing to do with *plebiscita* but concerned *iussa plebis*, i.e. what we should in the terminology of a later age subsume as *iussa populi*. In this clause often cited out of context later as if it concerned *plebiscita* the contrast between *plebes* and *populus* was that between the *comitia tributa* and the potentially dominant middle-class minority of the *comitia centuriata*, those subject to the hoplite levy. This may have been a speciously democratic reform which actually gave the aristocracy an opportunity to bypass the centuries, if the aristocracy so wished. At any rate, since the *comitia tributa* did not become the chief *comitia*, the old revolutionary "plenary assembly" more truly survived in an integrated form as a kind of numerically unlimited βουλὴ δημοσία of the narrow Solonian, rather than broader Chian, purpose. It did not lose its revolutionary tradition, but *plebiscita* of what was now perhaps for the first time called the *concilium plebis* as distinct from a formally convoked and officially controlled assembly of the whole state were of course not binding. Even if ninety percent of the citizen-body had attended the meeting of this council, its *plebiscita* as to the whole state would remain mere προβουλευματα.

The rich plebeians who now aimed particularly at equality of political opportunity with members of the old aristocracy must have viewed the predominance of the poor as a possible menace. The aims of the rich plebeians and those of the poor plebeians were by no means identical, and the two groups of plebeians did not always cooperate, though usually they were well aware of their mutual need of each other in the struggle against the old aristocracy.

It is said that the reason for installing a board of *tribuni consulares* was to achieve plebeian participation in the magis-

tracy without giving them access to the consulate. There is every reason to suppose that the rich men who were the leaders of the plebeians hoped that in this way they could achieve the goals of their personal ambition. To their supporters they naturally used other arguments, e.g. that more magistrates were needed for military or other reasons and that it should be possible to elect the best men in any section of the citizen body. However, if the plebeian leaders demanded a more truly republican board of magistrates (the title "tribunes" does have a democratic color) at first primarily to achieve access to the magistracy, they were bitterly disappointed in the support they received from the electorate, which for the most part continued to elect patricians, probably because the army preferred to go into battle, if need should arise, under the command of experienced commanders. Consular tribunes were at first sporadically appointed in addition to consuls, then at the end of the fifth century with regularity instead of consuls. The size of the board varied according to anticipated needs or current pressures.<sup>20</sup> Various motives operated at various times. Along with a right for plebeians to trial before the People and with a more public-spirited use of the *imperium* by all patrician magistrates the establishment of *tribuni consulares* may have been the means with which the rise of the tribunate of the plebs to a position like that achieved by the Spartan ephors was prevented, because the consular tribunate siphoned off the one or two really dangerous men by elevating them to the Senate and diminished a sense of grievance that had threatened to raise the tribunate of the plebs above the consulate. When it was

<sup>20</sup> Sir Frank Adcock, "Consular Tribunes and their Successors," *JRS* XLVII (1957) 9-14; Ann Boddington, "The Original Nature of the Consular Tribunate," *Historia* VIII (1959) 356-364.

realized that the electorate would prefer experienced patrician leaders, the consular tribunate presumably pleased the patricians because it provided more places than the consulate and in practice satisfied the ambition of more patricians. There were many advantages in the loose arrangement and in having more magistrates but furtherance of possibly justifiable personal ambitions of plebeian leaders was not one of them, and accordingly from the standpoint of the plebeian leaders the consular tribunate came to be regarded as no solution whatsoever.

The plebeian democratic victory was achieved after a bitter struggle by the acceptance of demands formulated in *plebi scita* on the basis of the Licinian-Sextian Rogations. Not only was the consulate restored and opened to plebeians but one place on the board of two consuls was by law reserved to the plebeians.<sup>21</sup> This great concession was sweetened by the creation of a third office, the praetorship, reserved at first (but not for long) to the patricians.

In summary, there were two main ways of checking an abuse of power by the magistrate. One may be called the ephorate from its best known exponent. The Spartan ephors by the fifth century practically dominated the "ancestral" magistracy. The other is based on recourse to a popular court. At Rome both ways were introduced.

From 494 B.C. to the middle of the century the tribunes of the plebs aimed at developing the right of *intercessio*, i.e. at becoming a check on the magistracy such as ephors became at Sparta and certain other officials became in certain other republics. After the middle of the fifth century the plebeian leaders no longer aimed at establishing an "ephorate" but at

<sup>21</sup> Kurt von Fritz, "The Reorganization of the Roman Government in 367 B.C.," *Historia* 1 (1950) 1-44.

a share in the planning and at access to the magistracy and they usually contented themselves with a more modest and, from a patrician standpoint, more admissible employment of the *ius auxilii* in individual cases. By 300 B.C. they were often too cooperative with the higher magistrates, and a *provocatio* independent of the *ius auxilii* was introduced, not because the *imperium* was being used in a new way but because the *potestas* of the magistrate with *imperium* was no longer being resisted as it should have been. The sanctions supporting the *provocatio* eventually had to be strengthened.

The Greek word *kratos* which forms the base of the compound *demokratia* went into Latin not only as *vis* or *imperium* but as *res*, so that the Greek term *demou kratos* went into Latin as *res publica* or *res populi*. We have already cited for this a significant passage from Cicero, *De rep.* I 60. The Greek word *plethys* (rather than *plethos*) went into Latin too, it seems, but its Latin form (*plebes* or *plebs*) suffered distortion of meaning in the semantics of political debate. Cicero, *De rep.* I 52 replaced *plebs* with another word: *difficultas ineundi consilii rem a rege ad plures, error et temeritas populorum a multitudine ad paucos transtulit*. Gellius XVIII 7,5 uses the phrase *hominum multitudo* for one meaning of the word *civitas*. But it must not be forgotten that the Greek word *plethos* undergoes a similar development in the semantics of political and other debates, so that in Thucydides it can mean, not the totality of citizens, but the Many, as opposed to the Few.

The word *demokratia* itself went into Latin as *res publica* but also as *libertas*. At least a bilingual inscription of 167 B.C., ILS 31 = OGI 551, renders *demokratia* with *libertas*, so that students of freedom might well distinguish between *libertas* = *ἐλευθερία* and *libertas* = *δημοκρατία*. To the subject of *demo-*

*kratia* as the rule of law <sup>22</sup> we shall devote part of Chapter III, but also for the ideal *eleutheria*, as readers of Herodotus VII 102-104 realize and Socrates taught, the rule of law was absolutely basic.

Rome became a republic at a rather late date, at a time when the Athenians were laying the foundations for a more popular democracy in which the aristocracy would play a minor role. Greeks who came to Rome may have contributed some extremely democratic ideas. On the other hand, old-fashioned ideas were probably still dominant in the towns north of the Tiber, particularly among the Etruscan aristocrats whom the founders of the Roman Republic probably resembled in their attitudes. Very different and highly developed theories of what was politically just and practical affected the constitution and its reception.

<sup>22</sup> Aeschines, *Against Ctesiphon* 6; Diodorus Siculus, xxviii 4.



*Aphrodite, Democracy, and  
the Graces*

The *Hecuba* of Euripides<sup>1</sup> requires explanation to become fully intelligible to a modern audience. Perhaps the best way to present an interpretation of its structure and theme is to retell the story.

The play opens with the soliloquy by the ghost of Polydorus who introduces Hecuba with the words, "Alas, oh Mother, who from a royal palace have come to know a day

<sup>1</sup>The literature is extensive. I refer the reader merely to the handbook of Greek Literature and to the recent or most important studies such as: Louise E. Matthiae, *Studies in Greek Tragedy* (Cambridge, 1918) 118-157; J. A. Spranger, "The Problem of the Hecuba," *Cl. Q.*, xxi (1927) 154-158; M. Pohlenz, *Die griechische Tragödie* (Leipzig and Berlin, 1930) 282-297, second edition (Göttingen, 1954) 277-284; H. F. D. Kitto, *Greek Tragedy* (London, 1939) 215-221; G. M. A. Grube, *The Drama of Euripides* (London, 1941) 82-84, 93-97 and 214-228; G. Méautis, *Mythes inconnus de la Grèce antique* (Paris, 1944) 97-130; G. M. Kirkwood, "Hecuba and Nomos," *TAPA* LXXVIII (1947) 61-68; W. Zürcher, *Die Darstellung des Menschen im Drama des Euripides* (Basel, 1947) 73-84; E. L. Abrahamson, "Euripides' Tragedy of Hecuba," *TAPA* LXXXIII (1952) 120-129; L. Méridier, *Euripide*, II<sup>2</sup> (Budé edition, Paris, 1956) *non vidi*; D. J. Conacher, "Euripides' *Hecuba*," *AJP* forthcoming.

of slavery, how ill you fare, as ill as once you fared well. Some god is ruining (*φθείρει*) you, making compensation for your former prosperity."

The aged Hecuba enters. She has been terrified by an evil dream concerning her son Polydorus, who, she thinks, is still safe in Thrace, and concerning her daughter Polyxena. She has already lost not only her city, her husband, her status, but all the rest of her many sons and daughters except these two and the mad Cassandra. The chorus now brings another crushing blow. The Greeks have been persuaded by the demagogue Odysseus to sacrifice at the grave of the still restless Achilles, not an animal, but the princess Polyxena herself. The chorus bids Hecuba pray to the gods and beseech Agamemnon, for Odysseus will soon arrive to lead Polyxena off.

Hecuba, overwhelmed by this latest calamity, calls Polyxena and tells her the decision of the Greeks. Polyxena accepts the rumor of the horrible decision with grief for her unhappy mother, on whom some deity has driven a most hideous, ineffable destruction. She has no grief for herself. It is better to die, she feels.

Odysseus arrives to take Polyxena away. Hecuba, who regrets that her own life was saved, reminds Odysseus that once when he had stealthily entered Troy, Helen had recognized him and told only her and that he had pleaded with her, Hecuba, for his life and that she had allowed him to escape. He admits that Hecuba did so, though he sees it as the result of his own clever persuasion rather than of her noble generosity. She now comments that the race of orators is *achariston* (254), who speak to please (*pros charin*) the people. It should not be a human sacrifice at all, or, if so, then Helen the guilty one. She asks him to return the favor (*charin*) and to re-

member the mutability of fortune. His prestige would make it easy to persuade the Greeks to do only what is lawful. "The law (*nomos*) of blood," she says, "is the same among you the free and among us the slaves."

Odysseus delivers a clever speech justifying the decision to kill the innocent Polyxena on the specious pretext of *charis* to Achilles the noblest of the Greeks, and shamelessly claiming that it is the custom (*nomizomen*) of the Greeks to honor the noble while barbarians do not treat their friends as friends (299-331).

Hecuba, who has behaved with dignity, sees that her prayers are of no avail. She invites Polyxena to add her own. Polyxena rejects the thought. In a proud speech she recalls the glorious stock from which she came and the good life she has enjoyed. It is better fortune for her now to die than to live. "For to live not well, that is great suffering" (378).

"Nobly have you spoken," says Hecuba, but this nobility is not without grief. She then turns to Odysseus with another plea, namely that instead of killing Polyxena they kill her, Hecuba who bore Paris. When Odysseus refuses, she asks to be killed along with Polyxena and pleads until her daughter reminds her that if she clings she will only suffer indignities. They take leave of each other. Polyxena comforts her mother with the assurance that Polydorus still lives and will close her mother's eyelids when she dies. "I have already died," says Hecuba.

Polyxena then bids Odysseus lead her off. Her heart melts for her mother. Hecuba cries out to Polyxena not to leave her childless. Once more she mentions Helen with bitterness, and then she covers her head and falls to the ground.

After the choral ode Talthybius arrives. He asks for the queen and is shown the prostrate figure. Can this be the queen



of the wealthy Phrygians, the spouse of the greatly blessed Priam? For a moment Hecuba thinks she too will be slaughtered at the grave, and she is eager to go. No, he has come merely to bid her bury Polyxena. Hecuba is immediately depressed, but significantly she asks whether they treated Polyxena with respect or were impudent. Hecuba still talks like herself.

In a moving narrative Talthybius describes the noble behavior and death of Polyxena, who bade her guards release her that she might offer her neck freely and die a free woman, and who even as she was dying took thought to fall and cover herself modestly.

Hecuba expresses the deepest grief but also pride in her daughter's nobility of behavior. "Is it not strange," she adds, "that poor soil, if it but receives a chance from God, bears a good ear, while good soil, if it misses what it must receive, produces a bad crop, whereas among men the base man is never aught but evil, while the noble is always noble, and does not become corrupted in his nature even under calamity (595-6, οὐδὲ συμφορᾶς ὑπο | φύσιν διέφθειρ'), but is always good? Is parentage or training more important? In any case a good rearing teaches what is noble. If one learns what is noble, he knows what is base when he meets it because he recognizes it by the canon of what is good. Well, these thoughts are idle shots which my mind has aimed nowhere" (καὶ ταῦτα μὲν δὴ νοῦς ἐτόξευσεν μάτην).

The last comment means one thing to Hecuba, and simultaneously another to the audience: "These thoughts of her mind are shots which miss the mark." For it is untrue that a noble man (or woman) cannot be corrupted in his nature by ill treatment.<sup>2</sup> The speech is notable for its tragic irony.

<sup>2</sup> In another play (fragment 1024) Euripides said φθείρουσιν ἥθη χρησθ' δμῖλαι κακάι.

Hecuba gives suitable orders and starts preparations to bury Polyxena as honorably as possible under the circumstances. None of the Greeks is to touch Polyxena!

The action is interrupted by the choral ode of lines 627-651, after which the old servant who had been sent for water reports the crowning disaster, the discovery of the body of Polydorus, washed up on the shore. Hecuba understands immediately that her son was murdered by the Thracian guest-friend for the gold he carried, and was thrown out unburied. She cries out and inveighs against the baseness of the Thracian.

Agamemnon arrives and inquires about the delay in burying Polyxena. The Greeks, he said, are respecting Hecuba's injunction not to touch the body. Then he sees the corpse of Polydorus and asks who the Trojan is.

A profound change comes over Hecuba. She does not answer Agamemnon's questions but talks to herself. She asks herself whether she should implore the assistance of Agamemnon or bear her adversity in silence. Does it really matter if he thrusts away the slave embracing his knees? How can she achieve revenge if she does not risk this humiliation? She finally brings herself to the point of clasping the knees and beard of Agamemnon in entreaty.

Agamemnon asks her what she wants and he adds that he would willingly grant her freedom. No, not that but vengeance, and she will gladly be a slave for all her time!

With question and answer Agamemnon learns about the baseness of the Thracian guest-friend who is king of the very land where the action takes place. Then in lines 774-801 she appeals to Agamemnon for aid against the Thracian on the basis of law (*nomos*), for it is by law that we know the gods

and distinguish justice and injustice.<sup>3</sup> Alas, she soon sees that she will accomplish nothing, and she recognizes that the art of false persuasion, the way of Odysseus, is the only means to success.

Hecuba abandons dignity and capitalizes on Agamemnon's love for Cassandra. She reminds him of the rapturous nights he will spend embracing Cassandra. Since her daughter will provide some pleasure (*charin*), she deserves some favor in return. The greatest *charis* comes to mortals from the darkness of the night. She coaxes him, "Oh master, oh greatest light to the Hellenes!"

Agamemnon replies that he would like to grant her this favor (*charin*<sup>4</sup>) if only it would not look to the army as if he had plotted against the Thracian for Cassandra's sake (*charin*). This fear draws from Hecuba a speech to the effect that apparently no man is truly free. In the end it is agreed that Agamemnon will not participate in any action against the Thracian but will try to keep the Thracian from getting help from the Greeks without letting it appear to be for Hecuba's sake. Hecuba indicates that she hopes to overpower the Thracian with the help of the other captives, the many Trojan women, and she persuades Agamemnon to let her send word through the camp to the Thracian to come with his children for a secret message. If the weather had been right for sailing, says Agamemnon, he would not have granted her this favor (*charin*).

<sup>3</sup> On this passage compare Felix Heinimann, *Nomos und Physis: Herkunft und Bedeutung einer Antithese im griechischen Denken des 5. Jahrhunderts* (= *Schweizerische Beiträge zur Altertumswissenschaft*, Heft 1 [1945]) 121 f.; Marcello Gigante, *Nóμος Βασιλεύς* (Naples 1956), Ch. xvi, "Κρατῶν Νόμος."

<sup>4</sup> A. Tovar, "Some passages of Euripides' *Hecuba* in the Light of New Textual Research," *Greek, Roman and Byzantine Studies* 11 (1959) 131-135 has shown that the reading of line 853 is δοῦναι χάριν (not δίκην).

After the choral ode of lines 893-938 the Thracian enters with his children and his guards. Unaware that the body of Polydorus has been washed up, he pretends devotion to the house of Priam and Hecuba and sympathizes hypocritically. Hecuba, apologizing that she cannot look him in the face, says the custom (*nomos*) is to blame: women customarily do not look men directly in the face. She asks him to send away his guards. He says to the guards, "Withdraw. For this lonely place it safe." On her inquiry he tells her that Polydorus is alive and well, wished to visit her and that the gold is secure. She now says that she will send her son word through the Thracian as to where Priam's gold is buried. But why should the children hear? Lest the Thracian himself should die. Then she invites them all to enter a hut where supposedly the women will hand over for Polydorus the valuables they were able to conceal on their persons when they left Troy. It is ironical that the Thracian first asks whether the hut is safely empty of men.

A brief ode (1009-1017) marks the passage of no great time. The Thracian and Hecuba are shouting. He has been blinded, and his children have been murdered. Hecuba exults that she herself has slain the children and that the Thracian will live forever blind. They both come forth, the Thracian in furious grief, Hecuba in savage joy.

In response to the Thracian's cries Agamemnon arrives. He expresses horror at what Hecuba has done. He insists that the Thracian not act like a barbarian. He wishes to hear each party in turn and will judge between them.

The Thracian admits the murder of Polydorus but pretends that he killed him wisely in the interest of all to prevent another war. Then he feelingly relates the details of what has happened to himself.

Hecuba commences with a denunciation of those who use fair words to cover evil deeds. Then she tears down the Thracian's pretence and asks how the barbarian could ever be a friend to the Hellene. In a withering tirade she proves that the Thracian has been false and motivated only by a desire for the gold. She boldly warns Agamemnon that if he aids this base creature, he will himself be shown to be evil. And she concludes, "But masters I do not scold," precisely what she was now beginning to do.

Agamemnon prefaces his decision with a statement that he hates to judge other people but that he must. He repudiates the plea that the Thracian acted in the interest of the Achaeans. "Among you the killing of a guest-friend comes easily; among us Hellenes this is disgraceful. If I do not judge you guilty, how shall I escape criticism? "

An exchange follows between the Thracian and Hecuba, during which the Thracian says, "You take pleasure in outraging me, you villainous creature." She asks, "Should I not take pleasure as I avenge myself on you? " He foretells her death after she turns into a shameless reviler, a veritable bitch. At least it does not matter, she says, since he has paid the penalty.

Agamemnon orders that Polymestor the Thracian be left on some deserted island and bids Hecuba bury her children. *Finis.*

It is now necessary to state the theme of the *Hecuba* because it has not been clearly explained by modern critics and because the ancient dramatist unlike a modern storyteller did not spell out the theme for his extraordinarily perceptive Athenian audience. As Matthiae, Pohlenz, Grube, Kitto, Zürcher, Kirkwood and others saw, the play concerns a change that takes place in Hecuba, but it is not a character study of

a modern type, not a study of a change in her *ἦθος* either (to speak in Peripatetic terms). The theme is that a woman of an originally noble nature, such as Hecuba had been when she released Odysseus and such as Hecuba would have been if she had not been called upon to live but had been called to meet death when Polyxena so nobly met death, could become corrupted in her original nature by association during her misfortunes.<sup>5</sup> The play is based on the two last calamities in a dreadful series of calamities. She still retains her original nature during the penultimate calamity, but at the end she imitates her persecutors. From Odysseus she has learned the dishonest art of persuading men to do wrong or to act against their true interest; from the Thracian she has learned to murder callously. She surpasses both her persecutors in disregard of law when she seeks her own base ends, and finally the audience hears that she is destined eventually to become the reviling hound-dog of another legend. There is also a divine explanation for what happens among men. In this case, nemesis. Some god, making compensation for her former prosperity, ruined Hecuba.

This is a well constructed, moving, artistically economical play, but no story of a tragic flaw. It has a theme unusual but not unique. The Panathenaic Oration of Aelius Aristides, who echoes many themes from classical Greek literature and particularly from Euripides,<sup>6</sup> provides an interesting parallel (p. 165 Dindorf = 103 Jebb):

<sup>5</sup> My interpretation is perhaps closest to that of W. Zürcher, *Die Darstellung des Menschen im Drama des Euripides* (Basel, 1947), 73-84, but not identical.

<sup>6</sup> In fact Aristides in the Panathenaic Oration, where he tries to outdo, on the subject of Athens, the great speakers and writers of the past, takes up the *charis* theme and the *nomos* theme, also the subject of Athens and freedom. For the last see the passage cited at the beginning of Chapter vi *infra*. For the *charis* theme, which is of course turned upside down, see

It is only here that naturalized citizens are not ridiculous, because you who assigned the honor to the others by law were all of you citizens of the country by descent from the original stock. Elsewhere, the majority are themselves probably of spurious stock, spurious those they admit. They have in time become corrupted in their original nature (χρόνῳ τὴν ἀρχαίαν φύσιν διαφθείραντες) by living together with the whole world as in a tenement house.

Thucydides II 45, 2 might also be compared.

In the *Hecuba* the two most striking deviations from the atmosphere of ancient legend are a noble Hecuba's bitter attack on the politicians (lines 254-5) and a degenerating Hecuba's acceptance of Persuasion instead of Law as an ideal to be studied and utilized (802-8). Surely no one will miss the reflection of a deep resentment which Euripides himself feels against Athenian politicians. Though the *Hecuba* is no allegory, the poet, I think, has been brooding over the degeneration of Athens, once so noble and now so murderous because of a whole series of misfortunes during which a type of public leader has arisen who exploits a situation and advances his own career by making himself the clever mouth-piece of base public passion or ruthless imperialism. When the

Aristides pp. 161-2 Dindorf = 101 Jebb. Whereas Euripides through the mouth of Hecuba denounces ἀχάριστον ὑμῶν σπέρμ', ὅσοι δημηγόρους | ζηλοῦτε τιμάς, Aristides praises the marble of the mountains of Attica as a σπέρμα τῆς χάριτος τῆς πρὸς τοὺς θεούς. Seizing the opportunity for a startling variation, Aristides says that Attica προξενεῖ διὰ τῆς φύσεως τὴν χάριν. The marble of Attica is most suitable for honors to the gods such as temples and statues, "all of which from here took their start in the custom of mankind" (ἤρξατο τῷ νόμῳ). As you approach, you cannot help admiring the *charis*, because the mountains are among the first things you see. In describing the *charis* of the plains and the *charis* and utility of the mountains Aristides at the same time is vying with Xenophon and others, but the daringly obscure play on the *charis* theme itself draws its inspiration from Euripides. Aristides praises also the other gift of the mountains to Athens, her silver, τοῦτο ἐλευθερίας ἐφόδιον καὶ μεγαλοψυχίας.

two sons of Theseus disagree, the contemporary politician will display the art of false persuasion and make the worse appear the better course. Euripides knows the type well and loathes its cleverness. After years of war the noble *demokratia* of the Athenians had changed in a way that suggested to a tragic poet the change of a queenly Hecuba into the murderous Hecuba of the Polymestor legend.

No one who has read the material assembled by E. Delebecque, *Euripide et la Guerre du Péloponnèse* (Paris, 1951), can doubt that Euripides reflected the political situation at Athens, though the reader may disagree with specific interpretations by Delebecque. No one who has read the *Heraclidae*, the *Suppliants*, and the fragments of the *Erechtheus* will deny that Euripides took considerable pride specifically in the generosity of Athens. But how could a sensitive observer in the penultimate decade of the fifth century preserve confidence that the Athens of that generation was still the Athens of old?

*Demokratia* had implied freedom and the rule of law. In the fourth century Aeschines, *Against Ctesiphon* 6 would be expressing the again usual Athenian point of view: "Three are the constitutions in all human society, tyranny and oligarchy and democracy. Tyrannies and oligarchies are guided by the character of the men in control; cities under a democracy are ruled by law." But in the penultimate decade of the fifth century<sup>7</sup> the faith of many Athenians in their constitution was badly shaken. A degenerate *demokratia* seemingly no longer represented true freedom and the rule of law but reflected the caprice of the crowd.

<sup>7</sup> For me this is roughly the date of the *Hecuba*. For a discussion of clues to a date I refer the reader to W. Schmid, *Geschichte der griechischen Literatur* 1, 3 (Munich, 1940), 463, note 2. For a different opinion see G. Zuntz, *The Political Plays of Euripides* (Manchester, 1955), 57 and 89.



These two themes, freedom and law, run through the *Hecuba*, but along with them there is another as D. J. Conacher emphasizes in an article, "Euripides' *Hecuba*," about to appear in the *American Journal of Philology*. Conacher rightly refers to "a kind of dialectic on *charis* which runs through the play." Is it not a contrast between the base *charis* of an *achariston* race, and the noble *charis* of the true *charientes*? Is this not another facet of the degeneration over which Euripides has brooded?

Since the themes of freedom and law point to *demokratia*, one ought to look carefully at the possibility that the *charis* theme too has a connection with *demokratia* at Athens.

The Athens which suggested the *Hecuba* to Euripides was the same Athens which suggested the Melian Debate to Thucydides, whether or not Thucydides composed the Melian Debate at the time of the fall of Melos. It was an Athens different from the Athens of Pericles, and Mme de Romilly<sup>8</sup> is right in inferring particularly from the Funeral Oration and the Melian Debate that, as a body politic, Athens had in between lost its spiritual greatness. The nobility of Athens<sup>9</sup> seemed, not something learned from others, not an acquired attitude, but part of her original nature.

It so happens that the word *charites* actually occurs in the Funeral Oration but not in a meaning strictly relevant to our subject. Thucydides, who is not, as Gomme thinks, talking

<sup>8</sup> J. de Romilly, *Thucydide et l'impérialisme athénien* (Paris, 1947), 229, "une idée très vivante de la grandeur et de la générosité athéniennes," and 243.

<sup>9</sup> Hermann Strasburger, "Thukydides und die politische Selbstdarstellung der Athener," *Hermes* LXXXVI (1958) 17-40 has discussed Athenian claims to nobility. He denies their validity even in the time of Pericles, but he recognizes a more brazen cynicism in the Athens of Alcibiades. For our purposes it comes to much the same thing: Athens looked worse in the time of Alcibiades.

about gracious living, metaphorically uses an expression applicable to the growth of crops (here talents) under the fostering care of vegetation deities (deity and province being interchangeable in early Greek usage <sup>10</sup>). This sentence which Thucydides II 41 puts into the mouth of Pericles may be translated with the English generalizing plural and singular replacing the singular and plural of the Greek as follows:

In summary, I say that the city as a whole is a source of training for Hellas, and that here the citizens individually develop their personalities so that they can turn easily to more forms of activity and with more success (μετὰ χαρίτων μάλιστ' ἄν) than I should expect the same men to do anywhere else without the advantages that come from our environment.

Thucydides expresses himself thus because the Graces are for all mankind in general the deities of a sweet and cheerful success, with whose aid joyous results are realized, as Pindar, *Olymp.* XIV 5-7 says when he prays to them:

κλῦτ, ἐπεὶ εὐχομαι· σὺν γὰρ ὕμνιν τά τε τερπνὰ καὶ  
τὰ γλυκὲ' ἀνεταί πάντα βροτοῖς,  
εἰ σοφός, εἰ καλός, εἴ τις ἀγλαὸς ἀνὴρ.

At Athens an interest in the different kinds of *charis* did not begin with Euripides. It pervades the *Agamemnon* of Aeschylus.

The chorus sings of the violent boon (*charis biaios*) of the gods who are in supreme authority (182), i.e. the gods may force sobriety upon us against our will. The chorus also mentions the grace (*charis*) which in beautiful images of his wife is hateful to a deserted husband (417). The chorus says that

<sup>10</sup> On the interchangeability of deity and province in early Greek in general see Walter Pötscher, "Das Person-Bereichdenken in der frühgriechischen Periode," *Wiener Studien* LXXII (1959) 5-25.

it is like a woman in authority to agree on a thanksgiving (*charin*) before Agamemnon actually appears (484). The herald ends his speech about the hardships of war and the safe return of warriors by saying, "And so honor shall be done to the favor (*charis*) of Zeus which accomplished these things" (581). The chorus says that the lion cub, repaying thanks (*charin*) to those who reared it, made a feast unbidden, and the house was defiled with blood (728). The chorus asks how it should greet Agamemnon without overshooting or falling short of the mark of *charis* (787). Agamemnon on returning says (821) that one must pay to the gods a much-remembered debt of gratitude (*charin*). Clytemnestra says something to Cassandra (1058) about never expecting to have the boon of sharing in a sacrifice in the palace (ὥς οὐ ποτ' ἐλπιόσας<η> τήνδ' ἔξειν χάριν). Cassandra says that Apollo breathed his grace (*charin*) upon her (1206). The chorus says that a glorious death is a boon (*charis*) for a mortal (1304). In describing the murders Clytemnestra parodies the ritual language of the third libation, the one to Zeus Soter, when she calls the third blow τοῦ κατὰ χθονὸς | Διὸς νεκρῶν σωτήρος ἐνκταίαν χάριν (1387), i.e. the offering that went with the prayer to the Zeus of the Underworld, the Zeus Soter of corpses. The chorus expresses indignation that Clytemnestra should perform the funeral rites of Agamemnon, "wrongfully to fulfil for his ghost an ungrateful grace (*acharin charin*) in recompense for mighty deeds" (1545). Perhaps it has no significance that at the end (1670) Aegisthus says ἴσθι μοι δάσων ἄποινα τῆσδε μωρίας χάριν, but the *charis* that is or seems no *charis* constitutes a recurring theme in this play.

Furthermore, early in the *Agamemnon* the words θεσμὸν μὴ χαρίζεσθαι, which, as we shall see, make excellent sense, occur in the mouth of Clytemnestra (304), but in the third

play of the trilogy the final scene is at Athens. An old law represented by the Erinyes and a new law represented by Apollo conflict. Justice is evenly divided. The vote is a tie. Then Athena casts her ballot in favor of the defendant. The old law is not dishonored. Athena with kind words persuades the Erinyes to accept a verdict in accordance with the more favorable interpretation (i.e. θεσμὸν χαρίσασθαι), and one beholds the *charis* that is indeed and seems a *charis*.<sup>11</sup> The trilogy ends in a veritable profusion of genuine *charites* with particular emphasis on the *concordia civium* as an ideal.

Let us return to Euripides.

As has often been noticed, Polyxena and the savage Hecuba in the *Hecuba* have a striking similarity with Macaria and Alcmene in the much earlier *Heraclidae*. "To the argument of the *Heraclidae* the concept of *charis* is central."<sup>12</sup> This play too contains constant reference to the words *charis*, *eleutheria*, *nomos* and to adjectival, verbal and adverbial forms of the same. Athens itself is glorified as the city of *charis*, *eleutheria* and *nomos* in constant opposition to the *bia* of others. Though *charis* has many meanings, the *charis* of Athens, which the chorus in lines 379-80 calls τὰν εὖ χαρίτων ἔχουσαν| πόλιν, is always a noble and beautiful *charis*. The *Suppliant Women* too dealt with the *charis* theme.

In the early fourth century Demokratia appears as a deity at Athens. In IG II<sup>2</sup> 1496 a sacrifice to Demokratia is pre-

<sup>11</sup> As the cruel *charites* of the *Agamemnon* contrast with the joyous *charites* of the *Eumenides*, so the criminal Peitho of *Agamemnon* 385 contrasts with the good Peitho of *Eumenides* 885 and 970, and the impious reference to Zeus Soter in *Agamemnon* 1385-7 contrasts with the reference in *Eumenides* 759-60. Probably the Good Eris and the Eris *kakochartos* of Hesiod (*Works and Days* 11-28) had suggested the antithesis of the good and bad *charites* to Aeschylus.

<sup>12</sup> G. Zuntz, *The Political Plays of Euripides* (Manchester University Press, 1955), p. 81.

scribed for some day before Boedromion 17, undoubtedly for Boedromion 12, the day on which the men from Phyle came back and on which Athenians thereafter celebrated *χαριστήρια ἐλευθερίας*.

In 230 B.C. when Macedon was overrun by the Dardanians, Athens, which had for many years been under Macedonian rule, seceded and reestablished a free republic. The chief statesman behind the peaceful secession and successful reorganization was Euryclides of Cephisia. Symbolically or religiously how is the new republic represented?

On the establishment of ancient Greek republics, as we saw in Chapter I, it was customary to dedicate a sanctuary. At Samos, for example, Maeandrius according to Herodotus III 142 had established a sanctuary of Zeus Eleutherius and asked for himself and his descendants the honor and perquisites of the priesthood.

Much the same thing happened now. A precinct was laid out and a new cult was established with a priesthood apparently hereditary in the family of Euryclides. However, this precinct is not dedicated to Zeus or to Zeus and Athena, who of course would receive ancient honors at the traditional times and sites, but to the Demos and the Graces; and within the sanctuary was erected a dedication to Aphrodite *Ἡγεμῶν τοῦ Δήμου* and to the Graces. Whereas Zeus and Athena may have seemed war gods, the new emphasis was clearly on love and graciousness. The earliest inscriptions mentioning the cult are probably IG II<sup>2</sup> 834 and 4676. The testimonia have been collected by Wycherley, *The Athenian Agora* III nos. 125-131 (but 132 does not belong).

In 127/6, in 123/2, in 119/8, in 117/6, in 107/6, and in 95/4 B.C. the evidence of inscriptions<sup>13</sup> shows that each year

<sup>13</sup> IG II<sup>2</sup> 1006, 1008, 1011, 1028 and the inscriptions published by B. D.

the cosmēte, the priest of the Demos and Graces, and the exegetes conducted the ceremonies when the ephebes sacrificed at the public hearth and were enrolled as citizens.

In the Theatre of Dionysus there are seats for two priest-hoods of the Graces. *IG* II<sup>2</sup> 5050 in the front row right marks the seat of the priest of the Graces and of Artemis Epipyrgidia. This was, I think, an old priesthood, though attested elsewhere only in an Eleusinian inscription of around 20 B.C.<sup>14</sup> It does not concern us. The other seat is in the sixth row left. It is marked with *IG* II<sup>2</sup> 5047 as the seat of the priest of the Demos and of the Graces and of Rome. Rome may have been added in the time of Tiberius but we do not know. For certain purposes the priest of the Demos and Graces may have moved to the fifth row middle where a bench has the inscription, *IG* II<sup>2</sup> 5029 a:

ἱερέως	ἱε[ρέως]	[.]ο[—]
Δημοκρατίας	Δήμ[ου καὶ]	[..]ε[—]
	Χαρί[των]	

The two related ideas, *demokratia* and *demos*, were closely associated, not only in fourth-century Athenian legal terminology<sup>15</sup> but in the famous fourth-century painting by Euphranor in the Stoa of Zeus, where they were depicted in

Meritt, *Hesperia* xvi (1947), 170 f., no. 67, and by O. W. Reinmuth, *Hesperia* xxiv (1955), 228-232. The exegetes were perhaps not recorded in the last mentioned inscription (from 127/6 B.C.) at line 8. The datings are by Athenian archons on whose years Dinsmoor and Pritchett-Meritt agree.

<sup>14</sup> First published by I Chr. Threpsiades, "Ψήφισμα τιμητικὸν εἰς δαδοῦχον Θεμιστοκλέα," apud K. Kourouniotes, *Ἑλευσινιακά* i (1932) 223-226 and republished by P. Roussel, *Mélanges Bidez* (Brussels, 1934) 819-834.

<sup>15</sup> See the law of 337/6 B.C. against tyranny, the decree published by B. D. Meritt, *Hesperia* xxi (1952), 355-9, no. 5, which thrice envisages a possible "overthrow of the *demos* of the Athenians or of the *demokratia* at Athens," in lines 8-10, 13-15 and 16-17.

human form, i. e. as anthropomorphic deities. We shall return to Euphranor in Ch. VI.

In the old days of divinely ordained kingship the king operated by means of *kratos* and *bia*. These abstractions appear in Hesiod's *Theogony* 383-403, where Styx sends to Zeus her four children to assist him, they are Nike, Zelos, Kratos and Bia. In the opening scene of the *Prometheus Bound* Kratos and Bia represent the methods of a king or tyrant. In the mind of Aeschylus, I think, the *demos* in a true *kosmos* did not operate tyrannically but by co-operation and persuasion, rather like Athena in the *Eumenides*. In view of the polarity of Greek thought Kratos and Bia certainly suggest opposites like Co-operation and Persuasion. If so, Persuasion, i.e. Peitho, during the fifth century may have suffered from the poison of unfortunate connotations.<sup>16</sup> The *Hecuba* may well have contributed to the degradation of Peitho, though she already had a bad name when Eupolis wrote that a certain Peitho sat on the lips of Pericles. Πειθὼ φθείρει. But the cult of Peitho still existed in the second century after Christ (*IG* II<sup>2</sup> 5131).

In discussing the establishment of the precinct of the *Demos* and the Graces Ferguson<sup>17</sup> emphasized the significance for foreign affairs. There is undoubtedly some evidence for the view that the Graces advertised a renunciation of imperial ambitions. In I 9,3 Thucydides, who reconstructs the past in the light of the Athenian experience, uses the word *charis* as a kind of opposite to the pressure which Athens exerted upon her unwilling allies. He argues that Agamemnon organized the expedition against Troy less by *charis* (i.e. a feeling of

<sup>16</sup> See Conacher's remarks on the word *peitho* and its implications in the article forthcoming in *AJP*.

<sup>17</sup> W. S. Ferguson, *Hellenistic Athens* (London, 1911) 203-212, 237 f.

moral obligation on the part of the Greeks) than by fear. Moreover, the dialectic on *charis* in the *Hecuba* could be interpreted as reflecting debates on foreign affairs. But why should a city state repudiate imperialism in the third century, in a world which was no longer a world of mere city states?

In my opinion the dialectic on *charis* in the fifth century owed much to debates concerning the proper conduct toward the allies, but the significance of the new sanctuary lies primarily in its implications for internal affairs. A cult of the Demos and Graces sounds like an emphasis on the cheerfulness of citizens who take pride in the civic community and work for it harmoniously. The sanctuary which represented the reestablishment of a free republic conveyed whatever meaning it had primarily to citizens.

If, as I believe, the Athenian cult of the Demos and Graces stands for various manifestations of the *concordia civium*, it apotheosizes the best ancient traditions of Athenian community life rather than a late repudiation of their imperialistic ambitions.

Among the best traditions of their community life the usual leniency of the demos surely deserves a place.

The laws of Draco and even Solon were famous for their severity, but the penalties were probably modified by a tendency to favor the accused. At least the demos at Athens achieved an early reputation for *charites* or acts of grace. For instance, in *Ath. Pol.* 22, 4 it is said that when the Athenians drove out the Pisistratids, the Athenians, *χρώμενοι τῇ εἰωθυίᾳ τοῦ δήμου πραότητι*, allowed friends of the tyrants to go on residing in the city. That is, the Athenians were in the habit of not applying a necessarily cruel law in all its rigor.<sup>18</sup>

<sup>18</sup> The gentleness or restraint of the demos gives rise to *charites*. Another expression of Athenian gentleness is described in a masterly article by H. A.



Certain principles such as *Semper in dubiis benigniora praefenda sunt*, which in D. 50, 17, 56 is attributed to Gaius, were in the second century after Christ expressed as rules of Roman law.<sup>19</sup> Approved tendencies toward a more liberal interpretation were known as *favor libertatis*, *favor testamenti*, *favor dotis*, *favor debitoris*, etc. The *benigna interpretatio* is recommended in two well known rules: D. 1, 3, 18, "Laws are to be interpreted in a more liberal manner provided that their intention be respected," and D. 50, 17, 155, 2, "In criminal matters a more benign interpretation (sc. in favor of the accused) should be applied" (Berger's translation). No one will deny the superiority of Roman law and of Roman techniques of justice, and no one will deny Roman contributions to *humanitas*. But the main ideals of *humanitas*, it seems to me, are those represented by the Graces and the Muses. The *concordia civium* at Athens was visualized as rooted in what Cicero called *humanitas*, even before the Romans were first discovering *humanitas*.

*Demokratia*, the rule of law, at Athens placed the interests of the *demos* first but allowed the possibility of softening the law in cases where fairness or humanity so demanded. The approved *favores* of the language of Roman jurists are nothing else than *charites* of the right kind. Aeschylus alluded to a mitigation of law in the metaphor of *Agamemnon* 304, where Clytemnestra means "commanded them to apply rigor-

Thompson, "The Altar of Pity in the Athenian Agora," *Hesperia* xxi (1952), 47-82. Hubert Martin calls to my attention the association of the phrases *πρὸς εἶναι* and *χαρίζεσθαι* in Plutarch, *Phocion* 31, 3 and *Aemilius Paulus* 3, 6.

<sup>19</sup> See A. Berger, "In dubiis benigniora," *Atti del Congresso Internazionale di Diritto Romano e di Storia del Diritto, Verona, 27-28-29 Settembre 1948*, 1 (Milan, 1951) 187; C. Castello, "In tema di 'favor libertatis,'" *Studia et documenta historiae et iuris* xxii (1956) 348-361. See the references to the *favor libertatis* in the Verginia story as told by Livy iii 45.

ously the torchfire ordinance," when she says ὥτρυνε θεσμὸν μὴ χαρίζεσθαι πυρός,<sup>20</sup> with which Euripides, *Heracles* 758, νόμον παρέμενος, ἀνομία χάριν διδούς, is rightly compared.

Euphrosyne, Thalia and Aglaia, the Hesiodic trio, are the best known Graces, but if one examines the material collected by H. W. Stoll and A. Furtwängler in their article "Charis, Chariten" in Roscher's *Ausführliches Lexikon der griechischen und römischen Mythologie*, I, coll. 873-884, he will find both old vegetation deities and a group connected with festal and political life (e.g. Eukleia, Eustheneia, Eupheme and Philoprosyne). Sometimes the younger group is represented merely by one Grace with the political name Eunomia. The Graces, who develop out of vegetation deities into deities of cheerful human intercourse (Stoll, col. 874), can receive cult primarily as old vegetation deities in one sanctuary and as deities of cheerful human intercourse in another sanctuary of the same city.

Of course the Graces did not remain just vegetation deities until the sanctuary of the Demos and Graces was established. They were already deities of cheerful human intercourse for those who so wished. For instance, a comment in Plutarch's *Life of Marius* 2, 3 shows what the deities of cheerfulness might mean in the fourth century to all Greeks and especially to Athenians.

Just as Plato was wont to say often to Xenocrates the philosopher, who had the reputation of being morose in his disposition, "My good Xenocrates, sacrifice to the Graces," so if Marius could have been persuaded to sacrifice to the Greek Muses and Graces, he would not have put the ugliest possible

<sup>20</sup> The line is unjustly condemned by modern editors: "μὴ χαρίζεσθαι nondum sanatum" (Fraenkel), "χαρίζεσθαι is nonsense" (Denniston and Page), "the nonsensical χαρίζεσθαι" (Rose). *Charizesthai* makes excellent sense as a borrowing from the language of Greek legal theory.

crown upon a most illustrious career in field and forum, nor have been driven by the blasts of passion, ill-timed ambition, and insatiable greed upon the shore of a most cruel and savage old age. (Perrin's translation).

The *Charites* with whom the *Demos* is associated stand, I think, mainly (1) for the cheerfulness of festivals and of other refinements of civilized life, (2) for the gentleness and restraint of civilized life, and (3) for the moral obligations of civilized life. Two passages should be added to that already cited from Thucydides I 9,3 in order to emphasize the meaning "moral obligation."

Euripides, *Medea* 439, βέβακε δ' ὄρκων χάρις,

"Gone is the grace (i.e. the moral obligation) of oaths."

Aeschylus, *Agamemnon* 369-372:

οὐκ ἔφα τις

370 θεὸς βροτῶν ἀξιοῦσθαι μέλειν

ὅσοις ἀθίκτων χάρις

πατοῖθ'· ὁ δ' οὐκ εὖσεβής.

"Many a one has said that the gods do not condescend to trouble themselves about all the mortals by whom the grace (i.e. the moral obligation) of sacred rules is trampled under foot. But he who says so does not give the gods their due."

The grace of oaths means the divinely encouraged growth of oaths, which are mere words, into the deeds of men. The grace of sacred rules means the growth of sacred rules, which are the words of gods, into the behavior of men, which consists of deeds. In the beginning is the word, and by the cheerful grace of man's loyal effort and of divine encouragement the word is realized. Similarly in Ch. I we saw that Tyrtaeus, line 7 called upon the Spartans to start with good words and to carry all the obligations into deeds.

In other cities Pistis presided over the sanctity of oaths, but Theognis 1137-9 joined Pistis with the Graces:

ᾠχετο μὲν Πίστις, μεγάλη θεός, ᾠχετο δ' ἀνδρῶν  
 Σωφροσύνη, Χάριτες τ', ὧ φίλε, γῆν ἔλιπον.  
 ὄρκοι δ' οὐκέτι πιστοὶ ἐν ἀνθρώποισι δίκαιοι.

Here are moral obligation and restraint, which are positive and negative attitudes respectively, and also the Graces, who foster the thoughts so that they grow into just deeds.

On the basis of well known evidence three dogmatic statements may be ventured. 1. The Athenians had a reputation for the number and quality of their festivals. 2. The Athenians on famous occasions settled their dissensions by taking oaths and abiding thereby (Reforms of Solon, amnesties, etc.). 3. The Athenians had a tradition of kindness (e.g. leniency with the friends of the Pisistratids, legends about the consoling reception of those who came to them in trouble, the Altar of Pity). The implication is that the Athenians recognized in these three ways *charites* or Charites that had fostered the cohesion and growth of the community. The right policy, however, was a matter of hitting the mark by avoiding excess as well as deficiency, by shooting neither beyond nor short. An interest in the dangers of leniency as well as in its advantages, and in the right or wrong *charis* and in the *charis acharis*, runs through certain Attic authors of the fifth century. It appears particularly in Aeschylus and Euripides, but also in Thucydides.<sup>21</sup> The *charites* therefore were

<sup>21</sup> Look at the speeches before the Athenian assembly by the Corcyraeans and their enemies, the Corinthians, in Book I. The Corcyraeans, asking in an hour of need to be taken into the Athenian alliance, assure the Athenians that they would have the *charis* securely invested in them (32,1) and that because they, the Corcyraeans, are running a risk concerning the most important things in life, there would be things to remind them constantly of the *charis* (i.e. act of kindness) which the Athenians would invest (33,1).

under discussion. The true *charites* were cherished ideals which became inseparable from one concept of *demokratia*, and the happy association of the Demos and the Graces (Charites) in an official cult is a phenomenon full of meaning for a student of the history of freedom.

The foundation of the sanctuary of the Demos and Graces with its statue of Aphrodite was not a foundation for entirely new deities but reflected aspects which were now recognized as connected with essential ideals. The ideals have a long history at Athens; in the third century they were still Athenian ideals but not just Athenian. One must consider also the establishment of a temple of Venus Obsequens at Rome in 295 B.C. and the appearance of a god Favor with Venus Erucina in the calendar of Praeneste.<sup>22</sup> At Paros twin

The proffered alliance would bring to the Many a reputation for *arete* (usually conceived as an aristocratic quality), to the beneficiaries of Athenian help *charis* (i.e. a sense of gratitude and obligation), and to the Athenians themselves strength (33,2). They also warn the Athenians against the wrong kind of *charis*, compliance with the wishes of known enemies (34,3). The Corinthians then give the other side of the issue. They accuse the Corcyraeans of insincerity and rascality. They remind the Athenians of assistance twice rendered by the Corinthians, and say that they themselves have a right to expect a *charis* from the Athenians in return (41,1). As for the Corcyraean argument from utility, the Corinthians rejoin that men profit most when they do least wrong (42,2). They again use the word *charis* of what they hope the Athenians will do, when they say (42,3) that a timely *charis* at the end, even if it is rather small, can efface a greater grievance. Look also at the Plataean speech in Book III. The Plataeans (53,4) express fear that the Spartans have already condemned them as a favor (*charin*) to others. They argue eloquently that they have a just claim upon the Spartans for Plataean valor against the Mede, τῇν χάριν τῆς ἀρετῆς (56,7), and they urge the Spartans to produce a sensible *charis* to them instead of a shameful *charis* to others (58,1). The Thebans denounce the Plataeans (63,4) for not returning thanks (*charin*, *charitas*) commensurate with favors received and ask for themselves (67,6) a just favor (*charin dikaian*), the death of their enemies.

<sup>22</sup> Attilio Degrassi, "Il dio Favor nel calendario prenestino di Verrio Flacco," *Atti dell'VIII Congresso Internazionale di Storia delle Religioni*, 1955, 342-343 (*non vidi*), cited by R. Schilling, *Latomus* xvii (1958) 5.

dedications now occur to Aphrodite Timouchos on the one hand and to Peitho and the Graces on the other.<sup>23</sup> The community ideals of an age were being expressed religiously in various ways in various cities. Robert Schilling in his theory of a certain polarity or symmetry of ideas represented by Fides (the strict adherence to contracts) and Venus (with whom he connects the words *venia* and *venerari* "to ask a favor"), though he seems to have mistaken the origin of this aspect of the cult, has come close to the truth<sup>24</sup> and has deepened our appreciation of the religious environment. What the Romans expressed by Fides the Athenians expressed by

<sup>23</sup> For references, discussion, bibliography and parallels see *Bull. ép.* 1959, 325.

<sup>24</sup> R. Schilling, *La religion romaine de Vénus* (= Bibliothèque des Écoles Françaises d'Athènes et de Rome, 178 [Paris, 1954]) especially 148 and 375-377; *idem*, "Les origines de la Vénus romaine," *Latomus* xvii (1958) 3-26; Pierre Boyancé and R. Schilling, "Les origines de la Vénus romaine," *Revue des études anciennes* lxi (1959) 107-110. I follow Altheim in seeing a new wave of direct Greek influence on Roman religion, including the cult of Venus. See also Carl Koch, "Untersuchungen zur Geschichte der römischen Venus-Verehrung," *Hermes* lxxxiii (1955) 1-51. Boyancé's criticism that Schilling has not taken the word *χαρίζεσθαι* sufficiently into consideration is justified, but I hold that the Greek dialectic on *charis* would in Latin rhetoric become a dialectic on the good and bad *gratia* or *favor* rather than on *venus* or *fides*. For echoes of the same dialectic in Latin and the same old contrast with law it is interesting to compare Livy II 3, where certain antipathetic young aristocrats are represented as saying: *regem hominem esse, a quo impetres, ubi ius, ubi iniuria opus sit; esse gratiae locum, esse beneficio, et irasci et ignoscere posse, inter amicum atque inimicum discrimen nosse; leges rem surdam, inexorabilem esse, salubriorem melioremque inopi quam potenti, nihil laxamenti vel veniae habere, si modum excesseris; periculosum esse in tot humanis erroribus sola innocentia vivere*. A passage of the *Res Gestae Divi Augusti* (3, 1-2) reads: *victorque omnibus v[eniam petentib]us civibus peperci. exte[r]nas gentes, quibus tuto [ignosci pot]ui[t, co]nserveare quam excidere m[alui]*, to which S. Weinstock, "Victor and Invictus," *Harvard Theological Review* l (1957) 238 comments: "This is the old philosophy of victory which received fresh actuality through the Victoria and Clementia Caesaris." It is also an echo of the old debate on the good and bad *charis*.

the *charis* or Charis of moral obligations at home as formerly even in the Free World of Hellas; what the Romans expressed by Venus Obsequens the Athenians expressed by a *charis* or Charis of admirable leniency at home as formerly even in the Free World of Hellas.

The Graces are in a sense implicit in Aphrodite. Did no sanctuary of Aphrodite herself reflect a political reorganization at Athens?

According to Nicander of Colophon, who lived in the second century B.C. and is cited by Athenaeus XIII 569 d and by Harpocration (s.v. πάνδημος Ἀφροδίτη), Solon established a sanctuary of Aphrodite Pandemos. Pausanias I 22.3 identifies the sanctuary as one where Aphrodite Pandemos and Peitho were worshipped together. The presence of Peitho is highly significant. There were two striking cults of Aphrodite at Athens, one of Aphrodite Urania and the other of Aphrodite Pandemos. In the encomium by Pausanias in Plato's *Symposium* 180-185 it is argued that there are two Erotes just as there are two Aphrodites, one inferior to the other, though we must honor all the gods. The one Aphrodite (Urania) is heavenly, while the other is quite earthy, and consequently there are two kinds of love. This humorous explanation, which reinterprets the epithets, caught on rather to the detriment of the reputation both of Aphrodite Pandemos and of Solon. In fact Nicander of Colophon suggests that Solon had established this cult because he was organizing public prostitution.

Now it must be admitted that the Athenian democracy, which Solon did so much to further, ordered its *astynomoi*, as the *Ath. Pol.* 50 attests for the fourth century B.C., to watch out, in the case of flute-girls, harp-girls and lyre-girls, for

the interests of the poor man. Not only were the *astynomoi* to see that the *artistes* did not charge more than two drachmas but also that these fancy girls did not deliberately discriminate against the poor man. And yet of all the Seven Sages of ancient Greece Solon seems the least likely to have established a sanctuary for public prostitution. In fact, Harpocration cites a different explanation given by Apollodorus in his work on the Gods; Apollodorus connected the title with the assemblies of the *demos*. This explanation accords perfectly with what we have noticed about the establishment of a sanctuary of the *Demos* and *Graces* as the religious expression of a political reorganization at Athens in the third century.

What did Solon do to the Athenian assemblies? Solon re-established the union of all citizens by rejecting the theory that only men of property were entitled to sit in the Assembly.<sup>25</sup> The Assembly of the Athenians was not to be a *gaiadamos* as at Sparta but a *pandemia*. As he guaranteed to the *thetes* their place in the Assembly, he gave his action a religious basis by founding a sanctuary of Aphrodite *Pandemos*. With this dedication Solon called for mutual affection, a union of hearts within the community, a love for each other and for the city,<sup>26</sup> and thereby he created a social ideal not only for Athens but for all Greece and eventually for the whole Mediterranean.

<sup>25</sup> So rightly, it seems to me, A. Masaracchia, *Solone* (Florence, 1958) 164-167.


<sup>26</sup> In the Funeral Oration (Thucydides II 43) Pericles may have given new life to an old phrase when he urged his hearers to contemplate their city and become her lovers.



# IV

## *The Darius Vase of the*

## *Naples Museum*

he social order, conceived as something static, stands under the protection of the gods. The reader who looks at the fourth century Darius vase of the Naples Museum (Plate I) will appreciate visually how the Great Rhetra reflects a Greek view of life.<sup>1</sup> On the Darius vase what the Battle of Marathon meant to Persia is brought before our eyes in three panels. In the highest zone are the gods, in the middle zone the great men of Persia plan the campaign, and at the bottom the ordinary people of the empire make their preparatory contributions. In the Great Rhetra one begins with the two *hellenioi theoi*, Zeus and Athena, under whose special protection the social order of the polis will stand and who give meaning and validity to what follows. Then the elders and *archagetai* who plan may be compared with a second level, and the full assembly of the *adsidei* with a third.

It is the register at the top of this painting on the Darius

<sup>1</sup> Roger Hinks, *Myth and Allegory in Ancient Art* (London, 1939) 65 has appropriately cited the vase in his chapter on the social order.

vase in which we are chiefly interested. At the left are Apollo and Artemis on whose day the Battle of Marathon was fought.<sup>2</sup> They are the first deities to whom present and future enemies of the Hellenes<sup>3</sup> were in the First Sacred War consecrated for annihilation, as Aeschines III 107-112 related the story in fourth century Athens. At the right sits Asia (with the scepter) on the altar-base of what the artist conceived as the deity who protected the Persian Empire, the household goddess of a king, i.e. a *basileios theos*.<sup>4</sup> In front of Asia stands the daemonic force of Apate holding fiery torches and luring her toward Hellas. In the middle of this panel stands Hellas herself. She has no scepter, for Hellas is the community of the *eleutheroi*.<sup>5</sup> On either side of her are the two chief *hellenioi theoi*, Athena in battle dress with her hand on the shoulder of Hellas, and the Olympic Zeus enthroned. The might which Zeus will use to defend Hellas is indicated by the thunderbolt and by the winged figure of Nike who awaits at his knee the order to fly.

<sup>2</sup> Plutarch, *De gloria Athen.* 7. This was pointed out by H. Heydemann, "Ellas ed Asia sul vaso dei Persiani nel Museo di Napoli," *Annali dell'Istituto di Corrispondenza Archeologica* XLV (1873) 20-52 at p. 42.

<sup>3</sup> The enemies of Apollo of Delphi may be identified with the enemies of the Hellenes as we shall see in Ch. V.

<sup>4</sup> It is very likely that as Heydemann (p. 38) confidently assumed, the figure represented by this herm was that of Aphrodite Urania, whose marble statue by Phidias Pausanias (I 14, 7) still saw at Athens. But why a herm? A. Furtwängler and K. Reichhold, *Griechische Vasenmalerei* (Munich, 1909) pp. 148-49, propose that the herm was meant to suggest boundaries, "Asien, von einem schlimmen Dämon getrieben, will aus seinen Grenzen ziehen, um Hellas anzugreifen." But a female herm does not suggest boundaries. Rather, the painter visualized Aphrodite Urania as the chief deity of the Orient and gave her a form suitable for a household god, because the Persian Empire was called the *oikos* of the Great King.

<sup>5</sup> The antithesis Hellas-Asia emphasized a religious and political difference, whereas the later antithesis Europe-Asia ignored the religious community and stressed a difference of mentality.

This Nike at the knee of Zeus does not symbolize the victory of Marathon alone. She is almost an angel, a deity closely associated with the *hellenioi theoi* in their role as patrons of the *eleutheroi* and particularly with Zeus, defender of the social order of the free world.

# V

## *The Nike of the Free World*



rancis Vian, *La guerre des Géants* (Paris, 1952), p. 286 summarizes the significance of the Gigantomachy in the classical period as follows:

Par l'effet d'une logique interne et grâce à l'influence d'une Titanomachie décadente, la Gigantomachie se sépare des batailles rituelles qui lui ont donné naissance. Elle est désormais l'épreuve majeure imposée aux jeunes dieux, et bientôt la preuve de leur souveraineté: elle conquiert alors une place de choix dans l'imagerie religieuse.

For Vian this myth has both a theological and political significance. He has convincingly expounded the theological significance as the final act of the creation of the world, that act which consecrates the triumph of order over *hybris*. But he has narrowed the political significance to the consolidation of a polis, the divine polis first of all, then at Athens and later elsewhere that of the human city (pp. 287 f.). On p. 289 he comments that within the city the Gigantomachy consecrates the triumph of law over the forces which threaten it: first

over those which have had to be repressed at the moment of foundation, the dangerous period which marks the transition from chaos to harmony; then over those which periodically menace *hesychia* such as the *epiboulai* (my word) of demagogues and revolutionaries, still more over the assaults which barbarians are going to launch against the ramparts of the Hellenic world.

Vian finds these two conceptions, theological and political, in greater opposition to each other than I do. For me the essential conflict lies between the forces of order and brute force. Since the rule of law is the fundamental concept of Greek freedom, the forces of order are the forces of freedom, so that the Gigantomachy can be interpreted as symbolizing the struggle of the Free World or of one of its component parts against external enemies or internally disruptive forces. The *kosmos* may be the divine *kosmos* or the ideal *kosmos* of the Free World or the smaller *kosmos* of one community with a civic constitution.

At Athens scenes from the Gigantomachy were embroidered on the peplos of Athena, and depicted on the Pisistratean temple of Athena, again on the Parthenon, because the myth had a special connection with the festival of the goddess. According to Aristotle, fr. 637 Rose, the Panathenaea had originally been established to commemorate the killing of the Giant Aster by Athena (*Ἀθηνᾶς* so Schneidewin, Jahn, Rose and Vian, *Ἀθηναίων* cod.). Vian has shown that the Giants did not change in 480 B.C. at Athens; that is, they do not appear in art as barbarians until after the time of Alexander, but in the Hellenistic Period they are assimilated to the Galatians at Pergamum, while under the Roman emperors the Giants are assimilated to Germans and other enemies of the civilized world. However, though an older

tradition of art and religious poetry may have kept Phidias from representing the Giants on the Parthenon as barbarians, the myth by the fifth century could certainly suggest the struggle of Hellenes against Barbarians.

Something about the ritual of the Panathenaic Festival at Athens is known from the fourth-century inscription IG II<sup>2</sup> 334. There were in the fourth-century a sacrifice to Athena Hygieia, then a sacrifice at the Old Temple, then a sacrifice to Athena Polias at the archaic altar, then a sacrifice to Athena Polias at the new altar, then a sacrifice to Athena Nike. It is particularly Athena Nike who symbolizes the Giantkiller. The cult of Athena Nike is well attested at Athens from the sixth century on,<sup>1</sup> and Athena Nicephorus outside Athens strikingly resembles the Athenian deity in ritual and function.

Nike, however, has also a separate existence apart from Athena Nike or from Athena Nicephorus. She is a goddess in her own right.

She appears around 560-550 B.C. on a cup from the Acropolis at Athens, No. 146 in Vian's *Répertoire*, where she is represented as winged and running behind Zeus. In Athenian vase paintings of the late fifth and fourth centuries Nike is represented as the winged driver of the *quadriga* of Zeus during the Gigantomachy. On metope IV of the Parthenon Nike is landing behind Athena whom she prepares to crown as Athena slays a Giant.

The goddess Nike has no role in the Homeric epics. In

<sup>1</sup> For the cult of Athena Nike at Athens see G. Welter, *AA* LIV (1939) 2-22, who finds the cult attested in the middle of the sixth century and suggests that the cult was founded in connection with the institution of the Great Panathenaea in 566/5 B.C.; Lloyd W. Daly, "Nike and Athena Nike," *Studies Presented to David M. Robinson*, II (St. Louis, Mo., 1953), 1124-28. Compare Ida Thallon Hill, *The Ancient City of Athens* (Harvard University Press 1953) 162-166 and the bibliography she cites on pp. 242 f.

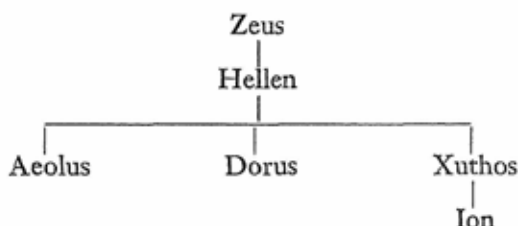
literature she first appears in Hesiod, *Theogony* 383-403 in the story of the battle of the gods against the Titans, who in this section are similar to the Giants of later versions,<sup>2</sup> so similar that we can fairly speak of a myth concerning the Gigantomachy with borrowings from the Titanomachy, a myth extending from Hesiod down through later writers. In the *Theogony* it was Styx and her children, Nike, Zelos, Kratos and Bia, who first came to the support of Zeus, and he honored them always for this. If the Gigantomachy was a myth which could in every age express the meaning of every brave struggle of civilized man against the horrid forces of barbarism and disorder, the help given by Nike to Zeus—Nike, mentioned first, can represent all four—was a part of the myth. One main aspect of the traditional conception of Nike is the conception of her as the first ally of Zeus in the struggle to establish a *kosmos*.

In the sixth century, though Apollo at Delphi and Poseidon at the Isthmus were very prominent, the god of the free Hellenes was particularly Zeus of Olympia. He owed his preeminence in part to the support of the Pythian Oracle at Delphi, the seat of that Apollo who was the common exegete of the Hellenes. In part he owed it also to the support of Spartan arms. In fact Sparta developed a tradition of crusades against the enemies of the *eleutheroi*. The first or one of the first places where Nike appears as a symbol in public life is on the coins of Elis, which presided over the common sanctuary of the free Hellenes at Olympia.

By the late sixth century at least, a candidate for admission

<sup>2</sup> Kurt von Fritz, "Pandora, Prometheus and the Myth of the Ages," *The Review of Religion* 1947 227-260 at pp. 245-47; Francis Vian, *Répertoire des Gigantomachies figurées dans l'art grec et romain* (Paris, 1951) and *La guerre des géants: le mythe avant l'époque hellénistique* (Paris, 1952).

to the Games had to be a Hellene. A Hellene, I submit, is a descendant of Hellen. The for us more important problem, as I see it, is not when the name Hellen and the term Hellene first arose, but when the term Hellenes first acquired its religiously and legally precise connotation as including Achaeans, Ionians, Aeolians and Dorians. For instance, the Panhellenion, when established in the Hadrianic Period limited its membership to genuine Hellenes. In a return to, or in accordance with, traditional standards of Hellenism the Hellenes were identified as those descended from Dorus, Achaeus, Aeolus or Ion, as *IG II<sup>2</sup> 1091* and the inscription published by P. M. Fraser *JRS XL* (1950) pp. 77-87 attest. In literature this concept can be traced back to the fifth century B.C., even to Hesiod, *Catalogues* fr. 8. The most explicit statement, however, occurs in the third-century *Περὶ τῶν ἐν Ἑλλάδι πόλεων* of Heraclides Criticus,<sup>3</sup> from whom we get the following genealogy of the Hellenes:



Now Hellen may have had one or two sons generations before he acquired them all. So the problem which here concerns us is the date at which Hellen completed his family, or the

<sup>3</sup> Friedrich Pfister, "Die Reisebilder des Herakleides: Einleitung, Text, Übersetzung und Kommentar mit einer Übersicht über die Geschichte der griechischen Volkskunde," *SB Wien*, ccxxvii 2 (1951); Hermann Bengtson, "Hellenen und Barbaren: Gedanken zum Problem des griechischen Nationalbewusstseins," *Unser Geschichtsbild* (ed. K. Rüdiger) Munich, 1957, pp. 25-40.



date at which all the sons of Hellen became brothers in the eyes of all the Hellenes. That would be the date of an adoption of an ancestor or the date of the inauguration of a common ritual of ancestor worship.

Since the foundation legend with its race between Pelops and Oenomaus made room for Pelops but not for Hellen, I infer that the broad definition of a Hellene had no special significance at Olympia in 776 B.C. The first Olympiad was open to Peloponnesians rather than Hellenes in the later sense.

The list of Olympic victors has been conveniently presented with dates and commentary by Luigi Moretti, "Olympionikai, i vincitori negli antichi agoni olimpici," *Memorie della Accademia Nazionale dei Lincei*, ser. VIII, vol. VIII (1957) 53-198. Outside the Peloponnese and Megara there were seventh-century Olympic victors from Athens, Smyrna, Thebes, Croton, Syracuse, Thessaly and Sybaris. From 696 B.C. it was more than a Peloponnesian festival, and probably as early as 596 B.C. it was truly Panhellenic in character. Before it developed into the great festival of the Hellenes, the legend of Pelops had had time to become so thoroughly established at Olympia that Hellen never replaced him in any way.

But how did descent from Hellen show itself?

The words Hellene, Hellas and *hellanios* have a curious history. In the *Iliad* the Hellenes are a small group within the Achaeans. The Hellenes of Phthiotian Hellas, according to the early tradition about the Pelasgians, conquered the Pelasgians and drove them out. The name Hellas and Hellenes is associated at first only with the Achaeans of Thessaly and Achaia. When southern Italy was settled by Achaean Greeks, it was called Great Hellas by comparison with the smaller area which at that time went by the name of Hellas in Old Greece.\*

\* Ed. Meyer, *Forschungen zur alten Geschichte* 1 (Halle, 1892) p. 111.

Then the name Hellenes began to expand, and this expansion in my opinion is closely linked with the recognition of certain old gods as *hellenioi theoi*.

The old term for Greek, "Achaean," had become outdated because the Dorian Conquest had changed it into the antithesis of "Dorian." Herodotus V 72 relates that the priestess of Athena forbade Cleomenes to enter the sanctuary on the Acropolis because it was unlawful for Dorians to approach it (οὐ γὰρ θεμιτὸν Δωριεῦσι παρίεναι ἐνθαῦτα). Thereupon Cleomenes, being a Heraclid, replied, "But, lady, I am not a Dorian but an Achaean." And a Parian *lex sacra*, Caues-Schwyzler 773, excludes Dorians and slaves: χσένωι Δωριῇ οὐ θέμι[ς θ|ηῆσθαι] οὐδὲ δ[όλ]ωι, ἂ Κόρηι Ἀστῶι ἔ[ρ]δεται]. These two examples are late survivals of a once widespread religious cleavage between Dorians and older Greeks.

It is my theory that the terms *hellenioi theoi* and *eleutherioi theoi* arose when certain sanctuaries, either newly established or previously exclusive, were opened to a wider circle in a time of compromise or of community peril. Regardless of race certain elements in the population were called *eleutheroi*, while others might still be excluded as *penestae* or *helots*. Sanctuaries of *eleutherioi theoi* were, in my theory, originally sanctuaries where Achaeans and Dorians, for example, worshipped together. The gods were called *hellenioi theoi* probably because the practice first started among the small tribe of the Hellenes. When a sanctuary of the *hellenioi theoi* was established on Aegina away from the town, these gods were still just gods of conciliation on Aegina and not sponsors of a civic constitution, but in other places the gods of conciliation moved into the agora and developed into sponsors of civic constitutions.

"Hellenic" unity arose from a planned sharing of certain

altars, with recognition of certain cults as those of gods who were *ὁμοβώμιοι καὶ κοινοί* (Thucydides III 59,2).

An excellent example of a "hellenic" sanctuary was that served by the Amphictyony of Anthela, which became the Delphic Amphictyony as the Pythian Apollo, spokesman of his father Zeus, became the common exegete of all the "hellenes." In northern Greece the final victory of the new "hellenic" religious community can be associated with the First Sacred War (B.C. 595-586), though even earlier the Greeks could be called *Πανελλήνηδες τε καὶ Ἀχαιοί*. In southern Greece the final victory occurred at much the same time, but the community existed from 776 B.C., when the Olympic sanctuary had probably been opened to the *eleutheroi* of all parts of the Peloponnese.

The word Hellenes served as a convenient term to cover the men of any area who worshipped these gods of conciliation at panhellenic centers.<sup>5</sup> Whereas the antithesis of *eleutheroi* was at first helots (or penestae) and slaves, the antithesis of Hellenes included not only these lower groups but independent Pelasgians and so forth. When the term Hellene spread, the spread of the term Hellas followed. The Pythian Apollo encouraged attendance at panhellenic festivals (particularly at Olympia and Delphi) and the establishment of "hellenic" precincts in a city's agora.

We may know the date at which the Olympic Games

<sup>5</sup> A change in the meaning of "hellenes" probably produced confusion as to the Pelasgians. The early representatives of the Pelasgians may have been a group of peoples who worshipped the Pelasgian Zeus, though it would be impossible to prove it. As the Hellenes became recognized as a union based on common descent, perhaps the Pelasgians took on a spurious unity of race in the imagination of the Hellenes. Traditions concerning a "hellenization" which was basically religious began to be interpreted as a change of language. Since Pelasgians were not "hellenes," neighboring non-Hellenes might be called Pelasgians.

began. We do not know the origin of the cult which antedated 776 B.C., but Gardiner<sup>6</sup> has made it likely that the Zeus of Olympia was an old god of war, and this theory will explain some of the taboos. I would carry it further.

It is possible that as the ancient reverence for *basileioi theoi* declined in Greece with the decline of the kingship, an attempt was made early in the eighth century to replace the blessings of the genuine king's leadership in war by means of the games offered to Zeus at Olympia. Any Hellenes, i.e. the aristocracy or members of the dominant group within the neighborhood, later within the Peloponnese, still later from anywhere, could compete in the Olympic games and offer the god his *athletic* victories and feats of strength, in order that the gods might repay the victor's community with *military* victories and feats of strength. The athletic victor thus becomes at home a great public benefactor entitled to honor and gratitude from his community, which at first can be decently represented only by an aristocrat.

A civic constitution was not a necessary element in a Hellenic community of the seventh and sixth centuries, but it gradually prevailed, so that the god of the free Hellenes became more and more the protector not only of free Hellenes but of civic constitutions as such.

It is quite probable that the resistance called forth by the ambition of Pheidon of Argos in the latter part of the seventh century or whatever may be the still disputed date of Pheidon did much to broaden the base for the Olympic Festival and contributed to an accenting of civic aspirations against kingship. For the presidency of the Olympic Games was traditionally involved. Certainly Sparta, a community with a civic

<sup>6</sup>E. N. Gardiner, *History and Remains of Olympia* (Oxford, 1925), Ch. v.

constitution, became the champion of the Zeus of Olympia in his role as the Zeus of the free Hellenes. To many the preponderance of Pheidon, however disguised, must have seemed a return to an old discredited system. The Elian presidency of the Games was established in 585 B.C. with Spartan support, and with it began both the great period at Olympia and a wide recognition of Spartan leadership in Hellenic affairs.

The Olympic Festival naturally received as well as sent out influences, and the history of its development, if thoroughly known, would undoubtedly be very complex with many cross currents and occasional reversals. However, around 600 B.C., as we have observed, a marked development occurred. Whereas the Olympic Games were local or Peloponnesian Games before 600 B.C., they now became panhellenic games in the sense that they were open to true Hellenes of all the world. Athletes now came from central Greece, Magna Graecia, the islands and Ionia,<sup>7</sup> and the judges were called Hellanodikai.<sup>8</sup>

The only apparent exception to the rule that only Hellenes competed would be the case of King Alexander I of Macedon. Even this participation was not really an exception because in his case the rule concerning the community was clearly asserted and recognized (οὐ βαρβάρων ἀγωνιστέων εἶναι τὸν ἀγῶνα ἀλλὰ Ἑλλήνων, Herodotus V 22,2), but he argued that by origin he was an Argive. For at this time the legend pre-

<sup>7</sup> L. Moretti, "Olympionikai, i vincitori negli antichi agoni olimpici," *Atti Acc. Naz. dei Lincei, Memorie*, Ser. VIII, vol. VIII (1957) 53-198.

<sup>8</sup> See L. Zehen and J. Wiesner, *RE* XVII (1937) and XVIII (1939) s.v. "Olympia"; J. Jüthner, "Herkunft und Grundlagen der griechischen Nationalspiele," *Die Antike* xv (1939) 231-264. However, K. Meuli, "Der Ursprung der olympischen Spiele," *Die Antike* xvii (1941), 189-208, moves, I think, in the wrong direction.

vailed that the royal family of Macedon, the Argeads, were so called because they came from Argos.<sup>9</sup>

The tyrants sought to convey the impression that they were kingly personalities. This, I think, is a basic element in the situation, a trait recognized by Berve<sup>10</sup> which Andrewes<sup>11</sup> for all his learning has rather obscured. The tyrants were in fundamental opposition to the polis and its law, but they had to accept the city as they found it and work through civic institutions at least formally. Naturally they could not welcome benefactions to the community in the form of Olympic victories by *politai* outside their own house. Hence they sought to impress their *politai* by victories of their own and to discourage others from competing or to force them to emigrate. The story in Herodotus VI 103 shows the religious importance of the Olympic victory to the community of the victor and the resulting political importance to the tyrant of the community: The Philaid Cimon, son of Stesagoras and father of Miltiades, whose family had been in trouble with Pisistratus, won a victory with a four-horse chariot at Olympia while he was in exile; Cimon had the victory proclaimed as a victory of Pisistratus and thus obtained from Pisistratus an agreement which permitted him to return.

But one should not miss the significance of the dedications after freedom was finally established for the Hellenes in the Battle of Plataea. From the booty, says Herodotus IX, 81, the Hellenes made three dedications, a golden tripod (supported

<sup>9</sup> For the importance of myths see Santo Mazzarino, *Fra Oriente e Occidente* (Florence, 1947) passim; M. P. Nilsson, *Cults, Myths, Oracles and Politics in Ancient Greece* (= *Skrifter utgivna av Svenska Institutet i Athen*, 8°, 1 [Lund, 1951]).

<sup>10</sup> H. Berve, "Wesenszüge der griechischen Tyrannis," *Historische Zeitschrift* CLXXVII (1954) 1-20.

<sup>11</sup> A. Andrewes, *The Greek Tyrants* (London, 1956).

by a bronze serpent) to the god at Delphi, a ten-cubit high bronze statue of Zeus to the god at Olympia, a seven-cubit high bronze statue of Poseidon to the god at the Isthmus. These are the three gods to whom the three foremost athletic festivals belong, the Pythian Games, the Olympic Games and the Isthmian Games. Nor should one forget the Eleutheria which were henceforth celebrated at Plataea, where an altar of Zeus Eleutherius was erected on the battlefield.<sup>12</sup>

In a community without kingship or tyranny but with a genuinely civic constitution there was no room for the kingly personality. Militarily the ambitious noble, the natural aspirant of former days, had to subordinate himself to the community, but athletically he could distinguish himself, in a way useful for his community at Olympia and at other festivals. Hence military leaders in the early polis were given as little credit as possible,<sup>13</sup> whereas by way of compensation living athletes and soldiers who died in battle were given the most generous recognition. In the special environment of the civic community of the archaic and even classical period, the accepted outlet for the politically dangerous ambition of the noble, who like everyone else had a definite place in the political *kosmos*, was victory at the Olympic Games. That was where the family's and his personal pretensions to special *arete* could be justified. The *nike* was proclaimed in his name, and records of the *nikai* were kept and publicized almost before any other records. Every aristocratic family had to produce athletic victors or its prestige would suffer. The aristocrat's *nike*, being an offering of the individual to the god for

<sup>12</sup> Herodotus ix 81 and Aelius Aristides, *Panathenaic* p. 240 Dindorf, p. 148 Jebb. See also Thucydides ii 71 and *Anth. Pal.* vi 50.

<sup>13</sup> See Aeschines iii 183-6 and Plutarch, *Cimon* 7; Jacoby, *Hesperia* xiv (1945) 201.

the community, rather obligated the god to produce his Nike for the community.

Hence Nike becomes a symbol of the interests of the civic community. It symbolizes, on the one hand, the patriotism and service of the aristocrat to the civic community, and on the other hand, the reciprocal blessing of the *hellenioi* (*eleutherioi*) *theoi* to civic communities. The little *nike* of the individual and the big *Nike* of the god are both for the republic.

If we summarize the earliest evidence concerning Nike, we have the following situation. Before the sixth century Hesiod mentions Nike as the ally and companion (*μεταναίετης*) of Zeus in the Titanomachy. In the sixth century we have the development of an artistic type, and one statue of Nike by Achermus of Chios acquired fame and may have influenced artists for a long while. In the sixth century Nike seems to have been connected with Panhellenic festivals, particularly with the Olympic festival and the Altis, secondarily with the Greater Panathenaea established in or around 566/5 B.C. and the Acropolis, also with the Isthmian Games and the Pythian Games. It seems to me that Nike represents victory indeed, but not just any victory. Rather she represents a joyous holy victory for the religious community to which the Hellenes belonged. She is panhellenic rather than local. She does not arise as a local goddess; she arises with a new and larger community, and therefore she partly reflects a Greek attitude that the creation of a new community is the creation of a *kosmos*. It does not matter that behind this new community lurked the ghost of an old community; the union of the Hellenes which arose in a religious and cultural form after the disturbances which separated the Mycenaean from the Hellenic world was indeed something different from whatever bond united



their predecessors, even if the similarities outnumbered the differences. Much was taken over from the Mycenaean background of Greek religion but not Nike, and that makes Nike very interesting.

Games and athletics antedated the polis, but I think we may say that the great danger facing the early Greek republics in the traditions of aristocratic families led to a special development of games as an outlet and to an emphasis on athletics in the education of an aristocrat. As the traditions of aristocratic families ceased to be dangerous and as the education originally designed for aristocrats became the possession of wider and wider circles, the peculiar conditions which created one aspect of the Nike symbolism vanished, but the symbolism remained and so did a Greek tradition of athletics. Of course, in a more general diffusion of education the aristocrats were far outnumbered by non-aristocratic athletes and usually outclassed, so that athletics quite lost their aristocratic character by the fourth century.

Since the Zeus of Olympia was or became the god of all the Hellenes, the Nike that was asked of him could not well be a victory over other Hellenes. Naturally it was a victory over common enemies, and this too, I think, had an influence upon Nike as a symbol. The common enemies are the external and internal enemies of a *kosmos*.

War within the Hellenic community was common, but certain rules reflected in the Amphictyonic oath were supposed to mitigate its conditions. That shocking violations of the ideal of limited warfare actually occurred is well known; yet an ideal did exist. F. Kiechle, "Zur Humanität in der Kriegführung der griechischen Staaten," *Historia*, VII, 1958, 129-156, brings the material together and makes many excellent observations, but I think he does not sufficiently allow for

the post-Homeric religious developments in the relations of Hellenic states to each other, or does not sufficiently allow for new religious developments not yet reflected in the Homeric poetry. I submit that what inspired the Spartan general Callicratidas was not the new enlightenment but an old-fashioned religious ideal. Xenophon, *Hell.* 1.6. 14-15 relates that when Callicratidas captured Methymna, he collected the slaves to be sold, and that the allies wanted him to sell the Methymnaeans also. Callicratidas replied that while he was in command no Hellene would be enslaved. On the following day, he released the Methymnaeans but sold the slaves and the Athenians. It seems to me that the implication is clear. He no longer regarded the Athenians as Hellenes; the Athenians had been excommunicated from the religious community, by the Spartans arbitrarily, because the Athenians were depriving the Hellenes of their god-given freedom. Callicratidas visualized the war as a Gigantomachy, the struggle of the *eleutherioi theoi* and their faithful adherents against the *epiboulai* of internal enemies of that *kosmos*, the community of the *eleutherioi theoi*.<sup>14</sup>

Similarly one may admit, I think, that victories over Hellenes who had been arbitrarily "expelled" from the Hellenic community by their enemies on religious grounds could have been asked and could have been commemorated at Olympia itself. Sometimes even a victory over Hellenes irreproachable from the religious standpoint may have been commemorated by a statue of the Nike of the Hellenic Zeus at Olympia, and yet the impropriety of asking the Olympian Zeus for victory over other members of the community may have been felt.

<sup>14</sup> It was conceivable (cf. Thucydides I 121, 3 and 143, 1) that the Spartans might claim to be justified in using against Athens the treasures of Delphi and Olympia.

On the base for the Nike of Paconius erected from spoils ἐκ τῶν πολεμίων the Messenians of Naupactus did not specify who the enemy were.<sup>15</sup>

H. W. Parke, "Consecration to Apollo," *Hermathena* LXXII (1948) 82-114, who notes that Apollo in 432 B.C. had promised help in a war against Athens and that those who raided Attica from Deceleia paid a tithe to Apollo, has convincingly shown that the Thebans advanced religious reasons for the destruction of Athens in 404 B.C. Isocrates XIV 31 reminds the Athenians in 374/3 B.C. that the Thebans alone had proposed "to consecrate the site as a sheep-pasture (μυλῶ-βοτον, the ritual word) like the Crisaean Plain." Parke comments that the Thebans may have had special grounds for holding Athens guilty against Apollo. I would argue that the Athenians by "enslaving" the Hellenes and by actually destroying some cities had offended against the *eleutherioi* (*hellenioi*) *theoi*, and that the punishment of those Greeks resisting or unfaithful to the *hellenioi theoi* was theoretically ritual destruction in the form of a tithing for Apollo of Delphi, as actually happened to Crisa in 591 B.C. and as the Greeks who undertook the Persian War planned to treat the Medizers. To themselves the Thebans did not seem vindictive against defeated enemies but scrupulous in divine affairs, when they demanded the annihilation of Athens in 404. In opposing the annihilation of Athens the Lacedaemonians properly emphasized Athenian services in the Persian Wars, considered a religious struggle under the aegis of the *hellenioi theoi*.

Since the Zeus of Olympia was a local war god who had evolved into a god of all the free Hellenes, whose true function by the early fifth century was to ward off the enemies of the Hellenic community, it happened that during the

<sup>15</sup> M. N. Tod, *GHI* 65. Compare Georges Daux, *BCH* LXI (1937) 67-72.

invasion of Xerxes the Olympic Games were celebrated despite the desperate situation, or perhaps with all the greater fervor because of the invasion and the threat which was already upon them (Herodotus VIII 26 and 72).

The Greeks, who often admired barbarians, did not feel that all men were naturally free. Rather they felt that most men were best guided by a kingly personality or at least by a sage, the philosopher's substitute for the kingly personality. But the Hellenes were indeed naturally free, at first because they belonged to a religious community of gods who were sponsors of freedom and free men, then because of their great days of miraculously successful resistance to a despotism of apparently overwhelming power, i.e. because of a great tradition.

Herodotus neither admits nor denies the Persian account of the abductions (Io, Europa, Medea, Helen) and the Persian claim that the destruction of Troy was the beginning of the enmity (ἀρχὴ τῆς ἑχθροῦς). He makes it clear that irritating rapes (ἀρπαγαί) and the destruction of Troy are quite distinct from the *adika erga*. It is Croesus who began the *adika erga*, Croesus who subjected the Ionians, Aeolians and Dorians in Asia, though he made friends of the Lacedaemonians (Herodotus I 5).

The *adika erga* are the true cause of the war won by Greek and, above all, Athenian courage, under the aegis of the Hellenic gods. The *adika erga* are actions to reduce the free Hellenes to an unnatural position of subjection in violation of the right to freedom confirmed by Zeus Hellenius; they are actions which violate a certain *δίκη*, the province of Zeus, in this case Zeus Hellenius. Herodotus says "deeds contravening *dike* in respect to the Hellenes." There was a *δίκη* of Zeus Hellenius just as there was a *δίκη* of Zeus Xenios (the laws of hospitality).

Later when the Athenians reduced Hellenes to a position of unnatural subjection, the Spartans consulted Delphi about going to war in defence of the freedom of the Hellenes. Apollo is said to have replied with a prudent reservation but in the Greek tradition of self-help, that if they fought with all their might, he would lend them a hand, whether they called upon him or not (Thucydides I 118,3). The oracle so decreed, or the story arose, because the Athenians were violating the *δίκη* of Zeus Hellenius, at least in the eyes of many.

After the expedition of Xerxes circumstances made it necessary for Athens to assume the main burden of the leadership against the Barbarian enemies of the Hellenes. At Olympia, however, the sanctuary of Zeus was in this period rebuilt more magnificently; the Olympian Zeus was represented in the colossal statue by Phidias with Nike in his hand.<sup>16</sup> This seemed proper to all Hellenes, but at the same time Periclean Athens wished to emphasize the Hellenic role of Athena. A colossal statue of Athena by Phidias represented her too with Nike in her hand. The sanctuary of Athena and its approaches were rebuilt and adorned at the confederacy's expense with a previously and henceforth unsurpassed beauty. A cult of Athena Nike seems to have been established in the sixth century, perhaps in 566/5 B.C., but was at least reorganized and promoted in the fifth.<sup>17</sup> Members of the naval confederacy contributed a panoply of armor at the Great Panathenaea.

At Athens particularly, Nike came to symbolize in the

<sup>16</sup> Also with Nikes around his throne. See Hans Schrader, "Das Zeusbild des Pheidias in Olympia," *Jahrbuch des Deutschen Archäologischen Instituts* LVI (1941) 1-71, particularly useful for the attention given to the figures of Nike; also Charles H. Morgan, "Pheidias and Olympia," *Hesperia* XXI (1952) 295-339, important for questions of date.

<sup>17</sup> *IG* I<sup>2</sup> 24 = *SEG* x 30 = Tod 40. See also Douglas D. Feaver, "Historical Development in the Priesthoods of Athens," *YCS* xv (1957) 121-158 at p. 137.

middle of the fifth century the victory of the Hellenes, under the hegemony of the Athenians, over the Persian king of kings. Hence Nike, the gift of the gods who are patrons of free Hellenes and who defend republics against barbarians, merges with that older Nike who helped Zeus in the battle against the Titans. A composite Nike comes to symbolize the freedom of the cities triumphant over barbarism—in short, civilization triumphant over barbarism.

In this new Athenian emphasis Nike no longer has so much to do with athletics. At the same time her function has less to do with any opposition of the *eleutherioi theoi* to the *epiboulai* of internal enemies and becomes concentrated on the opposition to external enemies, the Barbarians. Or let us say that Nike develops in the direction of a symbol of civic constitutions victorious over barbarians on the one hand and over kings of barbarians on the other. The cultural domination of Athens reinforced the impression everywhere of the Athenian interpretation of Nike's meaning.

It is very significant that the gold reserve of the Confederacy was now deposited on the Acropolis in the form of Golden Nikai of Athena.<sup>18</sup> They were small figures apparently intended to carry two talents or about 120 pounds of gold each. Small bronze figures of Nike on which gold could be laid and, in time of need, removed, were not the obvious way of storing gold. Moreover, I do not think that these Nikai celebrated specific naval victories; the dates at which

<sup>18</sup> The important studies of the golden Nikai are the following: A. M. Woodward, "The Golden Nikai of Athena," *Αρχ. Έφ.* 1937 159-70, and "Two Attic Treasure Records," *Athenian Studies Presented to W. S. Ferguson*, *Harvard Studies in Classical Philology*, Supplementary volume 1 (1940) 377-407; Homer A. Thompson, "A Golden Nike from the Athenian Agora," *Athenian Studies Presented to W. S. Ferguson* 182-210; Dorothy Burr Thompson, "The Golden Nikai Reconsidered," *Hesperia* xiii (1944) 173-209.

they were dedicated only occasionally can be interpreted as those just after naval victories, and not even they need to be interpreted as commemorating precisely these battles, though the type is doubtless influenced by the circumstance that victories of the immediate past had actually occurred in naval battles, so that future victories also were likely to be naval victories. I do not believe, for instance, that golden Nikai were voted in 434 B.C. to commemorate the crushing of one of the city's allies in the revolt of 437 B.C. Rather, the figures dedicated in the fifth century symbolized the common Hellenic purpose of the tribute. In the fourth century the Nikai may have been merely traditional figures for the deposit of a gold reserve, but in the fifth century the gold reserve was to be used to defend the Free World against the assaults of external enemies, assaults which had temporarily ceased but which from time to time would arise again and had to be anticipated.

A curious development has been noted in the figure of Nike on the coins of Olympia which the Elians minted from the late sixth to the late fifth century.<sup>19</sup> At first a joyous winged Nike flanked by the emblems of the Zeus of Olympia is seen advancing with a wreath in her outstretched hand. The figure of the joyous Nike gives way around the middle of the fifth century to a mourning or pensive winged Nike seated on a bench or conceivably a tomb. The Nike was described as a mourning Nike by H. Weber, *Num. Chron.* 1892 p. 194, "but surely," writes C. T. Seltman, *Nomisma*

<sup>19</sup> The Elians continued to mint coins of Olympia until 146 B.C., but the Nike type disappeared in the last quarter of the fifth century. See Charles T. Seltman, "The Temple Coins of Olympia," *Nomisma* viii (1913) 23-65, ix (1914) 1-33, xi (1921) 1-39; Ettore Gábrici, "La Nike funebre delle monete di Elis," *Centennial Publication of the American Numismatic Society* (New York, 1958) 201-208.

VIII (1913) p. 58, "such an idea is incompatible with the nature of the Olympian coinage. A sad or regrettable incident would scarcely be recorded upon what is especially a festival coinage. I would describe her position as a pensive rather than a mournful attitude." By comparing the figure of Europa on coins of Gortyna, Gábrici confirms H. Weber's interpretation of Nike as a grieving figure, but the explanation he offers seems far less convincing. Gábrici claims that the figure of the grieving Nike is a return to a primitive conception of Nike which he then reconstructs. "Nel uomo primitivo," he says, "la Vittoria non é procuratrice di buon risultato, ma compensatrice di valore eroico riconosciuto, di cui si vedono gli effetti. Di modo che la Vittoria é premio concreto dell'eroe scomparso, non già espressione di un concetto astratto." But there is no evidence of this, nor does it seem to me that the grieving seated figure is executing "una funzione funebre" and that the attribute of wings belongs to Nike "in quanto essa nella genealogia dei Titani é una emanazione di Stige come tutti quegli esseri funesti ai mortali (Erinni, Sirene, Furie ecc.) che l'arte antica concepì come figure alate."

Quite apart from this too fanciful conception of the origin of Nike at Olympia it is unlikely that the Nike of Zeus represented on the earlier coins would have yielded place in the middle of the fifth century to another and primitive Nike whose hypothetical cult rivaled that of Zeus.

To me it seems that Nike on the coins of Olympia always represents the Nike of the Zeus of Olympia, the Nike of the Hellenes who form a community around the Zeus of Olympia. If Nike appears grieving and afflicted, she mourns those who died in the cause of the common freedom; to remember all of them and the ideal for which they died the quadriennial



meeting of the Hellenes provided a suitable occasion. The mourning Athena of the Acropolis Museum at Athens and the bronze statue (at Brescia) of Victoria inscribing the names on a shield are in the same tradition.

In summary, the *hellenioi theoi* began as gods of conciliation who conciliated the "free." Gradually a shift of emphasis occurred from conciliation to freedom. Their worshippers, the "Hellenes," who tended to establish civic constitutions under the protection of the conciliating *hellenioi (eleutherioi) theoi*, became through consecration the naturally free. The Zeus of Olympia was at first a common patron of the "Hellenes" of the Peloponnese. With the successful struggle against Pheidon of Argos the connection of the Zeus at Olympia with civic communities of Hellenes anywhere became more marked; the *hellenioi theoi* in general appeared more clearly both as conciliators of the naturally free and as natural patrons of freedom. And the Nike, prominent at Olympia, becomes closely associated with civic communities as such.

Artists and writers of the fifth century B.C. created or magnified the antitheses Greek vs. Barbarian, *eleutheroi* vs. *douloi*, *demokratia* (in the broad or narrow sense) vs. tyranny and despotism, because they interpreted the victory over the Persians as a victory of the *theoi hellenioi* or *eleutherioi*. The figure of Nike was forever doubly connected with the cities in the community of the *hellenioi theoi*, once as recognizing the offering of an athletic victory by a polis or ethnos of citizens through one of its citizens (never a metic) to the god and again as recognizing the victory accorded by the *hellenioi (eleutherioi) theoi* to the community of their worshippers, the republics. Thus it happened that Nike became a symbol intimately connected with the idea of the civic community

and represented the aspirations of free civic communities in successful conflict with despotism and barbarism. It remained as a symbol even when the original religious and athletic associations were largely forgotten.

The war of the Hellenic community against Xerxes had resulted in a victory which seemed a miracle. While the *hellenioi theoi* were vindicated, the union of the Hellenes was exposed as too loose, at least clearly enough for a Pericles, who became of age just after the war and who, it will be remembered, paid for the *Persians* of Aeschylus in 472. A more closely welded community was needed, not a rival community to that of the Zeus of Olympia, but a daughter community, based on a rational plan. As the statue of Zeus in the temple at Olympia probably expressed what the parent community of the Hellenes meant, the statue of Athena in the Parthenon probably expressed what Pericles hoped the daughter community of the Hellenes would mean to Athenians. For when Phidias represented Zeus holding Nike and the sceptre instead of hurling the thunderbolt, he emphasized the role of Zeus as defender of freedom, law and order within the Hellenic community rather than the sheer might of Zeus as the old war-god of Olympia; and the same theme is carried on the frieze in the gesture of Apollo (Hyperdexios) who was the son and spokesman of the Hellenic Zeus. When Phidias represented Athena holding Nike instead of the owl, he emphasized, I think, a panhellenic and Zeus-like role of Athena the *hellenios theos* instead of the ancient character of the owl goddess. This emphasis in the colossal statue of Athena in the Parthenon goes well with the panhellenic and organizing policy of Pericles, especially with the undated Congress Decree, for which the year 449 seems not unlikely. It is recorded by Plutarch, *Pericles* 17 as follows:

The Lacedaemonians beginning to show themselves troubled at the growth of the Athenian power, Pericles, on the other hand, to elevate the people's spirit yet more, and to raise them to the thought of great actions, proposed a decree, to summon all the Hellenes in what part soever, whether of Europe or Asia, every city, little as well as great, to send their deputies to Athens to a general assembly, or convention, there to consult and advise concerning the Hellenic temples which the barbarians had burnt down, and the sacrifices which were due from them upon vows they had made to their gods for the safety of Hellas when they fought against the barbarians; and also concerning the navigation of the sea, that they might henceforward pass to and fro and trade securely and be at peace among themselves.

Upon this errand there were twenty men, of such as were above fifty years of age, sent by commission; five to summon the Ionians and Dorians in Asia, and the islanders as far as Lesbos and Rhodes; five to visit all the places in the Hellespont and Thrace, up to Byzantium; and other five besides these to go to Boeotia and Phocis and the Peloponnese, and from hence to pass through the Locrians over to the neighbouring continent as far as Acarnania and Ambracia; and the rest to take their course through Euboea to the Oetaeans and the Malian Gulf, and to the Achaeans of Phthiotis and the Thessalians; all of them to treat with the people as they passed, and persuade them to come and take their part in the debates for settling the peace and jointly regulating the affairs of Hellas.

Nothing was effected, nor did the cities meet by their deputies, as was desired; the Lacedaemonians, as it is said, crossing the design underhand, and the attempt being disappointed and baffled first in the Peloponnese. I thought fit, however, to introduce the mention of it, to show the spirit of the man and the greatness of his thoughts. (Dryden-Clough translation).

The initial steps had been taken in the previous decade. The Athenian quota lists begin with the assessment for 454/3. In 454 B.C. the treasury of the Delian Confederacy had been

transferred to the new temple of Athena at Athens. With Samian support this was arranged by Pericles, who, according to Plutarch, *Pericles*, 12,1, repudiated the explanation that the moneys would be safer at Athens. The transfer had nothing apparently to do with fear; it symbolized the full conversion of a league of Ionians around the sanctuary of the Ionian Apollo at Delos into the union of Hellenes under the aegis of Athena of Athens. Also the bronze statue of the fighting Athena Promachos, about twenty-five to thirty feet high, was made by Phidias in this decade and was erected on the Acropolis, where it could be seen from far off, gleaming in the sun, and impressed on all the Hellenic world the role of Athena as the defender of Greek freedom. It publicized the religious basis of a new order, a new ideal, in which for a while many doubtless believed, i.e. the rationally organized daughter community of the Hellenes to assume the permanent defense of the Free World.

It is Athena Promachos who for the rest of Greece symbolized the daughter community of the Hellenes.<sup>20</sup>

<sup>20</sup> One of the reasons why Pericles was known as the Olympian and as Zeus may have been that he fathered out of his own head the daughter community of the Hellenes. He was also the *Nous* of this new *kosmos*. The idealism of Pericles temporarily elevated Athenian imperialism but did not transform it, just as the idealism of Pericles temporarily elevated Athenian democracy without saving it eventually from its inherent defects. On the Funeral Oration as a representation of Periclean idealism rather than as a picture of what Athens in the mind of Thucydides had really been see Peter J. Fliess, "Political Disorder and Constitutional Form: Thucydides' Critique of Contemporary Politics," *The Journal of Politics* xxi (1959) 592-623.

# VI

*Some Later Developments in  
the Symbolism of Nike  
and the Eleutherioi Theoi*

The history of the Free World called Hellas more or less came to an end on the battlefield of Chaeronea, as Greeks of a later age instinctively felt, though the seizure of Acrocorinth by Aratus may have been "the last Hellenic act." I cite from the praise of Athens as leader of the Free World in the Panathenaic Oration of Aelius Aristides, p. 291 Dindorf = 178 Jebb:

She alone of cities did not bring in a tyrant, was not impressed by wealth; for security, for pleasure she did not exchange her righteousness, but as having been born to live for all, she kept herself so. And in consequence all who conceived a desire for dominion over the Hellenes always found themselves at war with the city. In fact, as regards the rest of the Hellenes, some Philip ignored and with promises and gifts he persuaded others to collaborate with him, but with this city he remained at war right from the beginning, as if fulfilling some inevitable law of nature. As long as her strength lasted, she tried to destroy the aggressors, while for the others she became another fatherland; like a mother in defense of her

brood, she fought for all; she alone preserved the meaning of Hellas (*μόνη δὲ τὸ σύμβολον τῆς Ἑλλάδος διετήρησε*) and overshadowed the then prevailing disasters.

Echoes of Demosthenes and Isocrates!

Isocrates, *Panegyric* 81 had spoken of Hellas as a common fatherland. Though the history of the Free World called Hellas more or less came to an end on the battlefield of Chaeronea, the ideal of the Free World and of the common fatherland remained effective.

Early in his reign Alexander the Great issued a gold stater with the head of Athena on its obverse and with a large and a small figure of Nike on its reverse. The large Nike carries the ship banner (*stylis*) in her left hand, while the small Nike carries the *aphlaston*, another naval symbol of victory. The Athena head seems to be, as Lederer argues,<sup>1</sup> the head of the Athena Promachos of the Acropolis at Athens; a Nike with the *aphlaston* in the right hand and with the *stylis* in the left appears on a Panathenaic prize amphora of 336/5 B.C. (Plate III). The Nike of the gold stater and the Nike of the Panathenaic amphora, as Lederer says, are probably derived from the gold statue which Lycurgus had ordered at Athens as a replacement for sacred objects that had been melted down. The significance of the coin, it seems to me, lies in a claim by Alexander to be the leader of the daughter community of the Hellenes, the community based on a rational plan for action against Persia and created by Pericles around the Athena of Athens, when the treasury of the League was moved from Delos.

In 334 B.C., when the Battle of the Granicus brought the first great victory, Alexander sent 300 panoplies of armor to

<sup>1</sup> Ph. Lederer, "Ein Goldstater Alexanders des Grossen," *Zeitschrift für Numismatik* xxxiii (1922) 185-205.

be dedicated to Athena on the Acropolis at Athens. According to Arrian, *Anabasis* I 16, 7 Alexander ordered that the dedication bear the following inscription: "Alexander, son of Philip, and the Hellenes with the exception of the Lacedaemonians—from the Barbarians who inhabit Asia." The choice of Athens instead of Olympia is very significant, but it is also significant that Athens did not spontaneously honor Alexander. By and large the Athenians remained irreconcilable.

In 307 when Demetrius the Besieger liberated Athens from Macedonian domination and the rule or, as it seemed to the Athenians, tyranny of the Phalerean, the Athenians enthusiastically and spontaneously gave to Demetrius and his father Antigonus the recognition in the form of divine honors which they had so long withheld from Alexander and had in 324 B.C. granted only under pressure. And yet it was not as Invincible (Macedonian) Gods that the Athenians honored them but as Tutelary (Hellenic) Gods and Deliverers from the tyranny of Macedonian generals and their agents. Antigonus and Demetrius appear as champions of the freedom of the Greeks, auxiliaries of the *eleutherioi theoi*, and were to be henceforth associated with Zeus and Athena on the peplos carried at the Panathenaea.

Nothing could be clearer. It was the Gigantomachy which the Athenians embroidered on the peplos of Athena. Vian<sup>2</sup> has shown that in the Gigantomachy and in parallel myths the gods cannot win by themselves alone but gain the victory by allying themselves with one or more who are weaker than themselves. Above all this is the role of the mortal Heracles, who for his services as Giantkiller is usually or often included among the Olympians in the Gigantomachy. Since

<sup>2</sup> Francis Vian, *La guerre des Géants* (= *Études et commentaires* xi [Paris, 1952]), pp. 193-195.

the struggle of the naturally free Hellenes against Macedonian domination was interpreted in terms of the Gigantomachy and since the Macedonian domination seemed to be overthrown by the intervention of Antigonus and Demetrius who posed as the champions of Greek freedom, it was reasonable to see in Antigonus and Demetrius the heroes who came to the aid of the Olympians. Antigonus and Demetrius, therefore, quite deserved their place on the peplos of Athena.

After the naval victory over the Egyptian fleet off the Cyprian Salamis in B.C. 306, Demetrius erected a winged Nike on the prow of a ship. Arguing from the coins of Demetrius, Studniczka<sup>3</sup> made an excellent case for connecting the Nike of Samothrace with the same battle. Certainly the Nike of Samothrace commemorates either the Battle of Salamis in 306 or the Battle of Cos in which Antigonus Gonatas and the Rhodians defeated another Egyptian fleet. Be that as it may, the coins of Demetrius after 300 B.C.<sup>4</sup> attest a winged Nike on the prow of a ship as a dedication or symbol adopted by Demetrius after the naval battle of 306, but Studniczka seems to me to miss the symbolism when he says: <sup>5</sup>

So haben wir denn nicht schlechthin zwingende, aber doch sehr gute Gründe zu der Annahme, dass es jener glorreiche

<sup>3</sup> Franz Studniczka, "Die Siegesgöttin: Entwurf der Geschichte einer Idealgestalt," *Jahrbücher für das klassische Altertum, Geschichte und deutsche Literatur und für Pädagogik*, 1898, pp. 307-403 with 59 illustrations.

<sup>4</sup> Edward T. Newell, *The Coinages of Demetrius Poliorcetes* (London, 1927) shows that at first Demetrius simply continued the Alexander type but that when he began to issue coins of his own in 300 B.C. the Nike type was issued at the mints of Salamis and Ephesus from 300 to 294 B.C. but not at Tyre. The Nike coins with the fighting Poseidon on the reverse are illustrated in Plates II-III (Salamis), IV (Tarsus and Miletus), V (Ephesus), VI-VII (Pella), VIII-IX (Amphipolis). See Newell, pp. 31-43 for a discussion of the model and significance of the Nike type adopted by the mint of Salamis.

<sup>5</sup> *Op. cit.* at p. 25 of the reprint (Leipzig 1898).



Sieg des jungen Helden, in dessen Gestalt und Thaten Alexander selbst wieder aufzuleben schien, gewesen sei, was diese Nike der Gemeinde der seemächtigen Kabiren mit schmetternder Fanfare kundgab, von ihrem erhabenen Standort im Süden des Heiligtums weit hinüberglänzend über den Sund nach der thrakischen Küste, wo ihres Herrn Totfeind Lysimachos gebot.

Demetrius did not pose as another Alexander, at least not when he erected the Nike. The Nike symbolized the eternal struggle of the Free World against the *epiboulai* of internal enemies and the assaults of external enemies. The fighting Athena on the reverse of the Nike gold staters of Demetrius and the fighting Poseidon on the reverse of the Nike silver tetradrachms of Demetrius drive home the symbolism of the Gigantomachy. For the Hellenes of the Free World Alexander had not been a champion but a son of Philip II, an oppressor of Greek freedom. It would have been an advantage to Demetrius if he could have convinced the Macedonians that he was another Alexander, but he certainly did not expect to gain the confidence of Greece in so hated a role. The Nike was an old Greek symbol of freedom, and Demetrius, in adopting it, was bidding, I think, for Greek support against other Macedonians whom he accused of being enemies of Greek freedom.

Of course, in posing as a champion of Greek freedom Demetrius exposed himself to the countercharge of being an unfaithful Macedonian. This countercharge, which I postulate, would not appear in Greek literature, but I think it has left a trace of itself in an anecdote that calls for an explanation, the anecdote of Plutarch, *Demetrius* 29,2 concerning Demetrius in B.C. 301 on the eve of the Battle of Ipsus.

Demetrius, in a dream, had seen Alexander, completely armed,

appear and demand of him what word they intended to give in the time of battle; and Demetrius answering that he intended the word should be "Zeus and Nike," "Then," said Alexander, "I will go to your adversaries and find my welcome with them." (Dryden-Clough translation retouched)

Though the anecdote of the dream of Demetrius on the night before the battle of Ipsus implies that Antigonus and Demetrius were ruined because they had turned away from Alexander and served the interests of the civic communities, actually the support of the cities had brought great strength. All the kings would have been glad to win over the cities, though the natural heir of Antigonus and Demetrius was Antigonus Gonatas. Some support he did have as from the Rhodians in the Battle of Cos, but once he had become king of Macedon, Antigonus Gonatas was forced into policies which destroyed his chances of posing successfully as the champion of the mainland Greeks who were the core of the community under the *eleutherioi theoi*. The Ptolemies were more successful in this role.<sup>6</sup>

Though it was just as important to the Ptolemies as to the Seleucids to appear as heirs of Alexander, the Ptolemies avoided the victor epithets for their persons and emphasized the connection with Alexander in other ways. Hence at the beginning of the third century and later the victor epithet was officially adopted by the Seleucids, the Greco-Macedonian kings of Bactria and the king of Commagene. It represented a claim to rule over the Macedonians in Asia in succession to Alexander. It can be closely connected with what the Romans

<sup>6</sup> A claim to the leadership of the cities will perhaps explain something in the Procession at Alexandria described by Callixenus of Rhodes, as I suggested in "The Ruling Power," *Trans. Am. Philos. Soc.* XLIII (1953) p. 881, note 18. And see especially the preamble of SIG<sup>3</sup> 434/5 translated in *The Ruling Power*, pp. 882 f.

called the *imperium Macedonicum*, which we divide into the empire of Alexander and the Seleucid Empire, and the succession states,<sup>7</sup> but it is not found among the Ptolemies, Antigonids, Attalids<sup>8</sup> or generals in the free Greek cities and must be carefully distinguished from the Nike symbolism of civic communities. In the material so well collected and sifted by Weinstock<sup>9</sup> this distinction still needs to be made.

In the free Greek cities Alexander and Macedonian expansion were loathed. The Greek literary tradition was, on the whole, hostile to Alexander until the first century B.C.,<sup>10</sup> so that one must not expect a receptive attitude among the Greek cities of Italy around 300 B.C. any more than at Athens and Sparta. The many Greek cities of Italy who still worshipped the *eleutherioi theoi* would have had no reason to imitate the victor epithets for individuals but would have had excellent reasons to ask the *eleutherioi theoi* to send Nike to the community. The religious attitude would still probably have been the same when Hellenized Oscans replaced the Greeks in the government of an older city, because this was not a question of blood.

It seems to me that Victoria was closely connected with Nike right from the beginning, since Rome grew up in a

<sup>7</sup> Ch. Edson, "Imperium Macedonicum: The Seleucid Empire and the Literary Evidence," *Cl. Phil.*, LIII (1958) 153-70.

<sup>8</sup> The fact that someone referred to Attalus I as *ὁ Γαλατονίκης* does not matter. He did not use it as an epithet nor did his successors assign it to him officially. Really significant, on the other hand, is that at Athens he dedicated a monument with figures of gods fighting Giants, of Pergamenes fighting Galatians, and of Athenians fighting Amazons and Persians.

<sup>9</sup> S. Weinstock, "Victor and Invictus," *The Harvard Theological Review* L (1957) 211-47; RE xvi (1958) coll. 2501-42, s.vv. "Victor, Victoria."

<sup>10</sup> W. Hoffmann, *Das literarische Porträt Alexanders des Grossen im griechischen und römischen Altertum*, Diss., Leipzig, 1907; Johannes Stroux, "Die stoische Beurteilung Alexanders des Grossen," *Philologus* LXXXVIII (1933) 222-40; W. W. Tarn, *Alexander the Great* (Cambridge, 1948), II, 1-134.

world permeated with Greek or Aegean ideas. Several waves of Greek influence and the peculiarities of local circumstances may have changed the development, but a basic identity of Victoria with the Nike of Hellenic religion seems to me undeniable. The fundamental meaning which we assign to Nike is that of the divine companion of the god or hero who wins the Gigantomachy. In this conception the Gigantomachy is the struggle to establish or defend the *kosmos* of a free world or free state against the assaults of external or internal enemies. The Romans, who at one time thought of Victoria as a divine patron rather than a divine companion, erected a temple and established a cult, but the symbolism of the Gigantomachy underlies both conceptions.

A statue of Victoria, first mentioned among the prodigies of 296 B.C., was apparently erected during the Great Samnite War, and a temple of Victoria, dedicated after long delays in 294 B.C., may have belonged to the same period. This means, I think, that Rome visualized her struggles against the Gauls, Samnites and Lucanians in terms of the Gigantomachy of Greek mythology as the struggle of the forces of freedom and order against brute force. To express it otherwise, the Romans thought that they were fighting primarily for their own security but at the same time for the Free World of Italian republics of Latins and Greeks and Hellenized Oscans and any others with a civic constitution. It was the battle of all free peoples in Italy against the encroachment of the external enemies of the Free World.

The climate of Italian politics of this period has become more intelligible as a result of an important study by the Danish scholar Afzelius.<sup>11</sup> Livy, who visualized the Great

<sup>11</sup> Adam Afzelius, "Die römische Eroberung Italiens (340-264 v. Chr.)," *Aarsskrift for Aarhus Universitet*, xiv, 3, 1942.

Samnite War as a struggle for the hegemony of Italy between two candidates, was influenced by opinions of later generations who judged in the light of Roman conquests and of Roman attitudes in a later age. The outbreak of the Samnite War no longer appears an expansion produced by Roman imperialism. On the contrary, Rome was asserting herself as the champion of civic states against the expansion of others in Italy in a time of great peril. Rome was not *conquering* Italy but gathering about her the civic communities both Greek and Italian, which were willing to stand against the Samnites, Gauls and Lucanians. Modern historians have not for some time visualized the Great Samnite War as a struggle for hegemony, but Afzelius shows that the civic communities of Italy feared the Samnites for instance and actually looked to Rome hopefully. It was the expansionism of the Gauls, Samnites and Lucanians which seemed to threaten the civic communities in the fourth century and which created for the Romans a noble role to fill. It was for Rome to rally her allies, to hurl back the Giants, and to create the *kosmos* of a free world in Italy. Probably not until the end of the Great Samnite War did anyone at Rome begin to think in ways that threatened the independence of distant communities, and the old simplicity or even innocence and pride in Roman *fides* doubtless continued in most senators.

In 217 B.C. the Senate accepted as an omen of victory a golden Nike which Hiero had sent to Rome. Now I cannot believe that the king of Syracuse had sent it merely as an omen. Nor can he have sent it in recognition of victories already achieved, because there was no Roman victory to celebrate. In my opinion Hiero was coming to the aid of Rome with financial assistance. He was contributing gold in a common cause. He sent the gold in the form of a

Nike because he wished to represent the common cause as the defense of the Free World against the external barbarians. The Nike signified that the Second Punic War was a new Gigantomachy with the Carthaginians as Giants. If the type on the coins called *victoriati* is connected with the gift of Hiero, the same significance may be attached to their original message.<sup>12</sup>

Again the Roman coins known as *quadrigati*<sup>13</sup> and their Sicilian and Italian parallels<sup>14</sup> offer the central piece of a famous scene of the Gigantomachy, the *quadriga* of Zeus driven by Nike.<sup>15</sup> This numismatic type had existed in

<sup>12</sup> The date and the significance of the type are much disputed. See W. H. Gross, *RE* xvi (1958) coll. 2542-57. For parallels see Rudi Thomsen, *Early Roman Coinage* 1 (Copenhagen, 1957) pp. 173-4. H. B. Mattingly, "The Victoriates," *Num. Chron.*, Series vi, xvii, 1957 (published in 1958), 97-119 argues on p. 107 from Cicero *De div.* 1.43.98 that Victoria "was the goddess pre-eminently worshipped at Capua." Neither A. S. Pease in his commentary, *Illinois Studies in Language and Literature* vi, 3 (1920) p. 272 nor Jacques Heurgon, *Recherches sur l'histoire, la religion et la civilisation de Capoue préromaine des origines à la Deuxième Guerre Punique* (Bibliothèque des Écoles Françaises d'Athènes et de Rome, cliv [1942]) draw any such conclusion. For some reason a statue of Victoria at Capua sweated as did one of Apollo at Cumae, but there is no evidence that Victoria was the main cult of Capua. Also on p. 107 Mattingly argues from victoriate coins at Capua and Tarentum: "Capua claims Hiero's omen for herself. Tarentum then copies Capua, showing her solidarity for victory against Rome." I do not believe Hiero sent Rome the gold Nike as an omen, though the Romans chose to accept it as an omen. Be that as it may, how could Capua claim it as an omen when it had not been sent to Capua? Nor is it likely that Tarentum copied Capua or wished to imply solidarity with Capua. On the contrary, it seems to me easier to assume the usual symbolism of the struggle of a free world or a free state to maintain or establish its *kosmos* in the face of the assaults of its enemies, who in this case may have been the Romans from a Capuan or Tarentine point of view. Capua and Tarentum maintain that it is they who are fighting for freedom and order.

<sup>13</sup> Edward A. Sydenham, *The Coinage of the Roman Republic* (London 1952), nos. 64-68.

<sup>14</sup> Rudi Thomsen, *Early Roman Coinage* 1 (Copenhagen, 1957) pp. 171 f.

<sup>15</sup> Francis Vian, *Répertoire*, nos. 392-4.

Sicily from the beginning of coinage there around 500 B.C. with a gap in the fourth century before Agathocles, but nothing so clearly expresses what the mission of Rome was supposed to be. In 197 Rome seriously proclaimed the re-establishment of the Free World of civic communities.

The five inscribed altars of the Republican Period found together at Veii, *CIL* I<sup>2</sup> 2628-2632, were one to Minerva, one to Victoria and one *Ive* [*L*]ibrt(ati), also one to Apollo, and one *Dis deabus*. The close connection between Jupiter and Libertas is unmistakable, however one chooses to interpret the inscription. And the altar of Victory is associated with altars of what I would call *eleutherioi theoi*.

It is undoubtedly true that Victoria (or the later Nike) assumed a close connection with the person of the victorious commander at Rome. Her meaning changes partly through a greater use in trophies.<sup>16</sup> Nevertheless, Victoria or Nike continued to represent the ideal of the Free World and its order right to the end of antiquity, as we shall see, even though the ideal became one realizable through the efforts of a superman. Two aspects of Victoria co-existed and developed side by side in a concordance of ideas. We recognize the old meaning particularly when freedom became an issue. The golden Nike which (Brutus and) Cassius ordered to be carried ἐν θείᾳ τινὶ καὶ πομπῇ in Greece according to Plutarch, *Brutus* 39, 4 recalled no brilliant military success but surely represented the struggle against tyranny. Brutus and Cassius adopted Victoria as a numismatic symbol and did so on coins representing a broken diadem and a broken scepter.

The Corinthians in Thucydides I 121, 3 felt that the

<sup>16</sup> Gilbert Charles Picard, *Les trophées romains* (= Bibliothèque des Écoles Françaises d'Athènes et de Rome, 187 [Paris, 1957]). See also the discriminating survey by S. Weinstock, *RE* xvi (1958) 2517-42, s.v. "Victoria."

Peloponnesians in a fight for the freedom of the Hellenes were entitled to use the treasures of Apollo at Delphi. And Sulla in a struggle against Mithradates and oriental despotism claimed that he too was entitled to use the treasures of Apollo. As Aratus attacked the tyrants of Sicyon, he gave his troops "Apollo Hyperdexios" as the word.<sup>17</sup> The word which Brutus gave his troops on the eve of the Battle of Philippi was again "Apollo,"<sup>18</sup> and Apollo received credit for an alleged overthrow of oriental despotism at the Battle of Actium.

We have seen that the *hellenioi theoi*, as they were called at Sparta and many other places, were identical with the *eleutherioi theoi*, a term more common at Athens, Larisa and perhaps Corinth. A name, however, does make a difference. Whereas the *eleutherioi theoi* were patrons of the *eleutheroi*, the *hellenioi theoi* were patrons of the Hellenes. There came a time when *eleutheroi* and Hellenes were no longer interchangeable terms. After the Roman victory over the Illyrians in 229 B.C. the Romans emerged, even in the eyes of Greeks of Old Hellas, as champions in the old struggle of the free against the barbarians. The Romans received recognition as belonging to the large family of the *eleutherioi theoi* and as such they were admitted in the third century B.C. to the Isthmian Games. To the Olympic Games, however, they were not admitted apparently until the first century B.C., doubtless because they were not accepted as Hellenes<sup>19</sup> and could not

<sup>17</sup> Plutarch, *Aratus* 7.

<sup>18</sup> Plutarch, *Brutus* 24, 7.

<sup>19</sup> On the special position of the Romans as neither Hellenes nor barbarians see the fine article of Hatto H. Schmitt, "Hellenen, Römer und Barbaren: Eine Studie zu Polybios," *Wissenschaftliche Beilage zum Jahresbericht 1957/58 des Humanistischen Gymnasiums Aschaffenburg*, pp. 3-11. I feel that the Romans were in a different position from the Carthaginians,



be admitted until the tradition of exclusiveness lost some of its force.

That was in the time of Julius Caesar who would have given the organizational problem a Hellenistic solution in the sense that he would have preferred to reorganize the inhabited world as a kingdom under his personal rule. Since Antony was chosen to offer him the crown, Antony clearly sympathized with this monarchical solution. Olympia had no connection with monarchy as such, but the difference between Greeks and Romans received comparatively a deemphasis in the time between the Battle of Pharsalia and the preliminaries leading to the campaign of Actium. Under Julius Caesar and again under Marc Antony the aim was to win the allegiance of the Greeks by deemphasizing the difference and perhaps by a marriage between the king from Rome and the queen of Egypt.

Octavian, on the other hand, rose to power as the leader of a strong Italian reaction to what may be called the Hellenizing policies of organization. The cooperation of the Hellenes would be necessary, and the leaders of *tota Italia* had the wisdom to avoid an anti-Greek direction to the Italian indignation against the Hellenizing policies. The leaders of

though the difference is not so marked in Polybius. Were not the Romans taken more seriously in their religious claims to represent Jupiter Liber and Victoria, at least by Greeks less cynical and more religious than Polybius? Was not the propaganda of the Roman coins more acceptable? Did not the respect which T. Quinctius Flamininus and other Romans paid to the god at Delphi show them as members of the religious community of the Free World? The Carthaginians were spiritually different. It may or may not be true that as G. Wissowa, *Religion und Kultus der Römer*, 2nd ed. (Munich, 1912), p. 120 categorically states, Iuppiter Liber was no translation of Zeus Eleutherius, but some identification both in the mind of Greeks and even in that of Romans may have followed the adoption of this cult, though I make no such claim. On the ramifications of this question see A. Bruhl, *Liber pater* (Paris, 1953) 20-23.

Italia guided the indignation so that it arose solely against Cleopatra and her court, who were made to look like Orientals. Thus the themes of Oriental luxury and Oriental despotism were available for exploitation. Rome appeared in the glorious role of the champion of freedom against the secular adversary of the East. While for a short time the difference between Greek and Italian had to be publicized, they both could join as allies in the defense of the Free World.

The right emphasis for the role of Rome was on the leadership in the secular struggle of the Free against the Barbarians.

Of course, the Greeks had supported Antony and Cleopatra. From the Greek standpoint the victory of Octavian exposed them to reprisals, but from Octavian's standpoint the allegiance of the Greeks was highly desirable. The leaders of Italia, therefore, set about conciliating the Greeks.

This is particularly true in the field of religion. The Delphic Amphictyony was restored, and old cults revived in many places with Roman encouragement. The revival of the religious *Gerusiae* seems to have occurred at this time and to have been a special interest of Agrippa.<sup>20</sup>

But the chief act which was supposed to symbolize for the Greek world the meaning of the Battle of Actium was the foundation of Nicopolis and the reorganization of the Actian Games to be like the Pythian Games. Olympia was too distinctly Hellenic for commemoration of the Battle of Actium as the decisive event in the establishment of a political *kosmos* by a coalition of the Free. Actium, on the other hand, lent itself to express a broader union embracing both the Hellenes and the Italians. It was most fortunate, moreover, that Spartans were among the few Hellenes who had supported Octavian against Antony, and so Sparta's ancient reputation as

<sup>20</sup> J. H. Oliver, "Gerusiae and Augustales," *Historia* vii (1958) 472-96.

champions of freedom and followers of the *eleutherioi theoi* could be used. The Lacedaemonians received the perpetual presidency of the Actian Games.

The reader will not be misled by the bitter irony of Tacitus and his ruthlessness in tearing down the façade of freedom. For most Romans and for many Greeks the *kosmos* established by Augustus meant the establishment of freedom. The Roman Empire was indeed the Free World and the Nicopolitans might boast *Νῆ τὴν Καίσαρος νίκην ἐλεύθεροί ἐσμεν* (Arrian, *Discourses of Epictetus* 4.1.19).

Nothing, therefore, under the Empire expressed the beneficence of Rome's mission so well as the figure of Victoria or Victoria Augusta. It drew its meaning of freedom and order from the Hellenic Nike of the Olympian Zeus or of Athena of Athens, but it symbolized the sacred freedom and order of a larger union than that of the Hellenes.

The Roman *kosmos* has two aspects corresponding to the usual Roman division of activities *domi et militiae*. The abstraction which *domi* best expresses the Roman *kosmos* is *Libertas Populi*; the abstraction which *militiae* best expresses the Roman *kosmos* is Victoria, the messenger and companion of Jupiter in the Gigantomachy. As the emperor becomes more and more the earthly symbol of that *kosmos*, he becomes more frequently visualized not only as laboring like Hercules but as resembling the hero Hercules who helped the gods in the Gigantomachy and became immortal. Correspondingly a Victoria Augusta accompanies the emperor. She still attends him on the famous gold medallion of Justinian I, but it is the Christian ἄγγελος νικοποιός who accompanies the Byzantine emperors and the Merovingian kings.<sup>21</sup>

<sup>21</sup> E. H. Kantorowicz, "The King's Advent and the Enigmatic Panels in the Doors of Santa Sabina," *The Art Bulletin* xxvi (1944) 207-231.

Under the Empire the development comes back to the starting point. The gods protect the community through the kingly leader, who in the East was quite openly called the *basileus* from the time of Augustus on. Venus Victrix was not, however, important under Augustus and the first emperors, though the peaceful Venus Genetrix certainly enjoyed attention. Eight-hundred years of devotion to the *eleutherioi theoi* had left an indelible impression. Even under the Empire it remained the duty of the emperor to preserve the rule of law and the orderly freedom of the community, and if the emperor was the vicar of the gods on earth, the gods were primarily conceived in the tradition of the *eleutherioi theoi*.<sup>22</sup>

By Greeks the services of Rome to the Free World are often acknowledged or anticipated. At Gythium, for example, in the inscription, Ehrenberg and Jones 102, first published by S. B. Kougeas, *Ἑλληνικά* I (1928) 16-43 with photograph, an interesting group of six patrons are honored on six consecutive days: the first day for the deified Augustus Soter Eleutherius (i.e. Augustus visualized in the role of Zeus Eleutherius), the second day for the reigning emperor Tiberius Caesar Augustus *pater patriae*, the third day for Julia Augusta as Tyche of the *ethnos* (i.e. the Eleutherolacones) and "of our city," the fourth day for the Nike personated in Germanicus Caesar, the fifth day for the Aphrodite personated in Drusus Caesar,<sup>23</sup> and the sixth day for Titus Quinctius Flami-

<sup>22</sup> Under the Empire some Greek references to the *hellenioi theoi* still occur, but they are literary reminiscences rather than expressions of current usage. To the passages cited by Höfer in Roscher's *Lexikon* vi (1916-1924) 626 add Aelius Aristides II p. 244 Dindorf = 182 Jebb, and identifications of the emperors with particular gods.

<sup>23</sup> The genitives in the phrases τὴν δὲ τετάρτην Γερμανικοῦ Καίσαρος τῆς Ν[ί]κης, τὴν δὲ πέμπτην Δρούσου Καίσαρος τῆς Ἀφροδίτης raise syntactical questions. S. Eitrem, *Symbolae Osloenses* x (1932) 44 treated them as in apposition and spoke of Germanicus and Drusus being identified with

ninus. In fact many praised the Romans as liberators of Greece and of all their loyal followers, while Aelius Aristides, Roman Oration 90, extolled the empire as a perfect *demokratia*. References to the *libertas* or *eleutheria* of the Roman Empire occur in some Greek and some Latin authors not only without overtones of irony but in accents of enthusiasm. Among educated Greeks except at Alexandria no sentiment against the post-Actian Roman Empire appears at all.<sup>24</sup>

Rome and Augustus were frequently worshipped together.

feminine deities. But see M. P. Nilsson, *Geschichte der griechischen Religion* II (Munich, 1950) 369, and the hesitation of S. Weinstock, *RE* IX (1958) 2527 f. Germanicus embodied for the Gytheates the Nike aspect of the Free World, i.e. its struggle against barbarian assaults, while Drusus embodied the aspect of concord and cooperation among leaders within the Free World (cf. Ch. III above), also freedom of movement for all (see Aelius Aristides, The Roman Oration 100 with my commentary in "The Ruling Power," *Trans. Am. Philos. Soc.* 43 [1953] Part 4). If Nike aids Zeus in the establishment and maintenance of a *kosmos* in war against the Giants, Germanicus against the barbarians aids Tiberius, the vicar of Zeus who through Augustus created the *kosmos* of the Roman World. The old ideal of freedom was still very much alive, and a new devotion toward the imperial family, the patrons through whose leadership freedom seemed protected, had fused with it. The whole imperial family receives worship as a nexus of divine abstractions, namely *kosmos*, *pronoia*, *tyche*, *nike*, and *eros* which produces *epimeixia* (*commercium*). The fascinating inscription reflects some historically very complicated but, I think, genuine emotions. One of the best discussions is that of M. Rostovtzeff, "L'empereur Tibère et le culte impérial," *Revue historique* CLXIII (1930) 1-26, except that the identification of Aphrodite with Venus Genetrix-Victrix seems to me fundamentally mistaken. If as Rostovtzeff says, the religious ideas are purely Hellenistic, the Aphrodite too is Hellenistic. In the Roman Oration 105 Aelius Aristides, after describing the creation of the Roman *kosmos*, asks a question which, now that I have studied the cults of Aphrodite Pandemos and of Demos and the Graces (Ch. III above), has a new meaning for me: "When did Aphrodite ever have a better time to sow the seed and foster the growth of community life (the *charites*), and when did the cities ever obtain a larger share (of *charites*)?"

<sup>24</sup> Jonas Palm, *Rom, Römertum und Imperium in der griechischen Literatur der Kaiserzeit* (= *Acta Reg. Societatis Humaniorum Litterarum Lundensis* LVII [1959]) 130-136.

Augustus insisted on the priority of Roma, but Greeks gave Augustus himself the epithets of Zeus Eleutherius, while Roma was represented more or less as Athena. The fact that Augustus appears in documents with the epithets Soter and Eleutherius<sup>25</sup> shows that Greeks visualized the work of Augustus as an establishment of a world order, the rule of law, as the establishment or reestablishment of the *kosmos* after a Gigantomachy. The success of Augustus, as it looked to a Greek artist around 7 B.C., may be seen in the Gemma Augustea (Plate IV).

In the upper panel of this cameo Rome and Augustus are indeed represented as Zeus Eleutherius and Athena, seated. Augustus holds the scepter, and his potentialities are indicated by his sign, the capricorn, above, and by the eagle of Zeus, below. To the left stands the chariot which Nike drove in the Gigantomachy. Nike still holds the reins, while Tiberius descends with his gaze on the enthroned Augustus. Another figure, C. Caesar, stands beside the horse.<sup>26</sup> The group to the right of Augustus consists of a recumbent Ge with cornucopia and child, a standing bearded figure such as Oceanus, and a female deity crowning Augustus. In the lower panel are soldiers and captive barbarians. The soldiers are erecting a trophy.

<sup>25</sup> P. Riewald, "De imperatorum Romanorum cum certis dis et comparatione et aequatione," *Dissertationes philologicae Halenses* xx (1912) 265-344, especially 287-9 with some striking epigrams. See also M. Rostovtzeff, *Revue hist.* CLXIII (1930) 16; L. R. Taylor, *The Divinity of the Roman Emperor* (= APA Monograph 1 [1931]) 143 f.

<sup>26</sup> A. Furtwängler, *Antike Gemmen* (Leipzig and Berlin, 1900), Fig. 56, who connected the Gemma Augustea with the triumph of Tiberius in 12 A.D., identified the figure by the horse as Germanicus and the figure crowning Augustus as Oikoumene. Jean Charbonneaux, *L'art du siècle d'Auguste* (Paris, 1948) 84-86 argues that the cameo celebrates the Germanic triumphs of Tiberius in 7 B.C., not 12 A.D., because the boyish figure by the horse

Who is the figure crowning Augustus? Hardly Oikoumene, because Oikoumene is simply Ge. One figure of Ge is surely enough. Tyche cannot be excluded so confidently, but the long controversy whether the success of Alexander or of Rome was due to Tyche or to Arete makes Tyche perhaps unlikely, because of certain implications. Moreover, Tyche and Arete accompany rather than crown, but a figure which does crown the one who assures freedom is *Demokratia*, as in the relief above the Athenian Law of 337/6 B.C. against Tyranny, where a standing female figure crowns a seated Demos (Plate II). Since *demos* and *demokratia* are thrice coupled in the text of the inscription, the figure crowning Demos on the Athenian stele can hardly be anyone but *Demokratia*.<sup>27</sup> The work of Augustus was interpreted, as Aelius Aristides, Roman Oration 60, describes the work of Rome: "A common *demokratia* of the earth has been established under one archon and *kosmetes*, the best." In the early second century B.C. and again in the time of Augustus the mission of Rome had been represented to the Greeks as the freedom of the Hellenes, expressed either as the *eleutheria* or as the *demokratia* of the Hellenes. The phrase "*demokratia* of the Hellenes" went back, if not to the fourth century itself, at least to the time of Polybius who in VIII 35, 6 says that Pelopidas "constantly urged Epaminondas to champion not only the *demokratia* of the Thebans but also the *demokratia* of the Hellenes." The two words *eleutheria* and *demokratia* had become almost synonyms, and the artistic personifications had become nearly interchangeable types. So *Demokratia*, which means both the Rule of Law (on the basis of personal

cannot be Germanicus, who in 12 A.D. was 27 years old. The boy is C. Caesar, who in 7 B.C. was 13 years old.

<sup>27</sup> B. D. Meritt, *Hesperia* xxi (1952) 355: "The sculptured relief probably represents Democracy crowning the Demos of the Athenians."

status rather than of territories) and the Community of the Free and, in this case, not a local community but the entire Free World, visualized not in territorial terms like the Oikoumene but in human or personal terms like an ancient republic, seems a good interpretation of the figure crowning Augustus on the Gemma Augustea. The artist may have been inspired by the painting in the Stoa of Zeus at Athens, where, Pausanias I 3, 2-4 says, Euphranor represented Theseus and also Demokratia and Demos:

There stands Zeus surnamed Eleutherius . . . Behind is built a Stoa with paintings of the so-called Twelve Gods. On the opposite wall there is a painting of Theseus and of Demokratia and Demos. The painting shows that Theseus is the one who established a constitution of equality for the Athenians. According to the generally popular version, Theseus transferred power in the state to the demos, and the Athenians remained a democracy until Pisistratus became tyrant after a revolution.

The two scenes, which in the Stoa centered around Demos enthroned and Zeus, probably inspired Aelius Aristides to say in the Panathenaic Oration (204 Dindorf = 125-6 Jebb) that the Athenians rightly honor Zeus Eleutherius but that the Hellenes in general should honor the city and think that the Demos of the Athenians is, as it were, the (Zeus) Eleutherius for the Hellenes. If so, the Demokratia who was crowning Demos suggested to Aristides and perhaps to many the Demokratia of the Hellenes.

It is my thought that on the Gemma Augustea Tiberius has a role suggested by Euphranor's Theseus, while the crowning of Augustus is derived from Euphranor's grouping of Demokratia and Demos. The scene of Theseus handing over the state to Demos may on the Gemma Augustea have



been combined with part of the scene of the Twelve Gods in the same Stoa, a painting in which Zeus and Athena perhaps occupied the center of interest. Euphranor doubtless represented Zeus as holding the scepter, and Demos may have held the spear of authority like the Etruscan *purθ(ne)* on the sixth-century cippus from Chiusi.<sup>28</sup> At Athens the ruler of the heavenly *kosmos* and the ruler of the political *kosmos* were compared but kept distinct in the Stoa of Zeus, but on the Gemma Augustea the establishment of order throughout the entire civilized world is represented as something in between the two, with Augustus resembling Zeus more than he does Demos.<sup>29</sup>

With Zeus Eleutherius other emperors too were identified, including Nero, who in a vulgar gesture had set the Hellenes of old Greece free. On the other hand, Roman martyrs of the first century used the *eleutherioi theoi* in their propaganda against the emperors. According to Dio Cassius LXII 26, 4, Thrasea, as he opened his vein, stretched forth his arm and said, "To you, oh Zeus Eleutherius, I pour this blood as a libation." In the Tacitean version (*Ann.* XVI 35) Thrasea

<sup>28</sup> A. Alföldi, "Hasta-Summa Imperii. The Spear as Embodiment of Sovereignty in Rome," *AJA* LXIII (1959) 1-27 with Plates 1-10. The cippus from Chiusi appears as Plate 3, No. 1. S. Mazzarino, *Dalla monarchia allo stato repubblicano* (Florence, 1945) 69-75 identified the figure at Chiusi as a republican chief magistrate, while Alföldi (p. 4) cannot decide whether it is a king or chief magistrate. Hence I call the figure an Etruscan prytanis.

<sup>29</sup> In his excellent article "Zwölfgötter" in Roscher's *Lexikon* VI (1937) 764-848 O. Weinreich points out that there was a tendency to group the figures by tetrads with subdivision into dyads (842). Poseidon and Demeter form a common pair (840). Zeus is usually paired with Hera, but sometimes with Athena (792 and 796). On a round altar from the Ceramicus, now Nat. Mus. 1731, Poseidon, Demeter, Athena, Zeus occur together. There is no evidence how Euphranor grouped his deities, but if the thought which I have timidly presented in the text comes near the truth, the reader may see on the Gemma Augustea a reflection or free reworking of the tetrad Zeus, Athena, Poseidon and Demeter.



PLATE I  
The Darius Vase  
in the Naples Museum



*Δῆμος κρατεῖ.* Relief above Athenian Inscription containing the Law of 337/6 B.C. against Tyranny: Demokratia crowning Demos, a scene probably derived from Euphranor's painting in the Stoa of Zeus. Courtesy of the Agora Excavations.



Silver Denarius of C. Egnatius Maxsumus of c. 75 B.C. On the left, Obverse: Libertas. On the right, Reverse: Rome and Venus. From the Numismatic Collection of the Johns Hopkins University.



Athena in center, Nike at right with *apblaston* and *stylis*. From a Panathenaic Amphora of 336/5 B.C.



Three coins from the Numismatic Collection of the Johns Hopkins University: left, gold coin of Anastasius (A.D. 491-518); center, silver tetradrachm of Demetrius Poliorcetes; right, gold stater of Alexander the Great. Nike with (ship's) standard.



#### PLATE IV

The Gemma Augustea in Vienna: Enthroned as the Zeus Eleutherius of the terrestrial *kosmos*, Augustus is being crowned by a female figure who probably represents the Demokratia of the Free World, while Nike holds the reins as Tiberius, who has defeated the barbarians, descends from the chariot.

says, "We pour a libation to Jupiter Liberator." Also Seneca in Tacitus, *Ann.* XV 64 says, "I pour this liquid as a libation to Jupiter Liberator." There was no cult of Jupiter Liberator at Rome; it has long been recognized that the Roman martyrs had in mind an ancient Hellenic ritual of a libation to Zeus Soter, and in Chapter I we saw reason to identify Zeus Soter as the Zeus Eleutherius of Athens. The Roman martyrs express a detestation of the emperor and of tyranny in a toast to the patron of the free.

But that was in the first century A.D. By the second century the emperors had secured the symbolism for themselves. Coins frequently advertise the emperor as *restitutor libertatis*. I do not find *eleutherioi theoi* behind every official manifestation of religion, but I submit that ancient traditions concerning the *eleutherioi theoi* and concerning the creation of a *kosmos* through a Gigantomachy or Titanomachy have had a powerful influence on the choice of imperial patrons. Let us, for instance, reexamine the conclusions of J. M. B. Toynbee, *Roman Medallions* (= Numismatic Monographs 5 [New York, 1944]) 204-5:

But it is the great series of the gods themselves which make the chief medallion contribution to the study of religion in imperial times. . . . Preeminent among these heavenly patrons is Juppiter Optimus Maximus of the Capitol . . . Juppiter's consort, Juno, the second member of the Triad, is seen but rarely as a medallion type . . . When Minerva, the third member of the Triad, appears without her colleagues as an independent type, it is not so much the Roman goddess of the Capitol as the Greek Athene who confronts us as imperial patroness . . . As special protectors of the first Princes, Apollo and Diana rank only second to the Capitoline Triad as patrons of his successors. . . . Hercules . . . was, perhaps, the best qualified of all deities for the role of a Roman Emperor's heavenly patron. To the generous appreciation of this fact by the Emperors themselves

medallions bear striking witness. Hadrian was the first to issue an obverse portrait of himself with lion-skin hood; and a wide range of types of Hercules and his exploits adorn the reverses of medallions of Hadrian, Pius, Marcus Aurelius, Lucius Verus and Commodus.

Of course the Capitoline Triad had its importance, yet Miss Toynbee's own evidence reveals that the most important group of patrons for the emperor was certainly not the Capitoline Triad but the ancient pair of *eleutherioi theoi*, Zeus and Athena, Zeus naturally represented as the Capitoline Jupiter, Athena actually quite unchanged except for the name. The really striking result of Miss Toynbee's examination is the rarity of Juno, who appears almost solely as a heavenly counterpart of the empress.

The second most important group was Apollo and Artemis. Here again an ancient tradition going back to the Battle of Marathon and reflected in the first panel of the Darius Vase (Plate I) accounts for their prominence as *eleutherioi theoi*. Apollo did not owe everything to Augustus and was an *eleutheros theos* even long before the Battle of Marathon.

Heracles had served as the human and junior assistant to Zeus in the Gigantomachy.

But it is Nike who best expresses the vigilance and aid of the *eleutherioi theoi*, whether as the emperor's divine *comes* or otherwise.<sup>30</sup> Officially as Victoria she outlasted them. Though her name and even her figure with altered attributes long remained on Roman, Byzantine and barbarian coins, her altar in the senate-house at Rome did not survive the religious struggle of the fourth century. In the heart of the old world this altar of Victory symbolized the ideal of the ancient Free

<sup>30</sup> A. D. Nock, "The Emperor's Divine Comes," *JRS* xxxvii (1947) 102-116.

World and the old *kosmos*. As such, it attracted the loyalty of one group and the indignation of the Christians. Constantius II had the altar removed, but Julian restored it. Gratian removed it again in 382 in the face of bitter opposition and an eloquent protest which can still affect us.

Let us not conclude on a sentimental note but with the hard words in which St. Augustine, *De civitate dei* IV, 17, kills Victoria and puts the Angel of God in the place of the companion and messenger of Jupiter.

An forte dicunt, quod deam Victoriam Iuppiter mittat atque illa tamquam regi deorum obtemperans ad quos iusserit veniat et in eorum parte considat? Hoc vere dicitur non de illo Iove, quem deorum regem pro sua opinione confingunt, sed de illo vero rege saeculorum, quod mittat non Victoriam, quae nulla substantia est, sed angelum suum et faciat vincere quem voluerit; cuius consilium occultum esse potest, iniquum non potest.



## Appendix: The Oracles

### Given to Mnesiepes of Paros

**F**rom the third century B.C. an inscription published by N. Kontoleon, "Νέαι ἐπιγραφαὶ περὶ τοῦ Ἀρχιλόχου ἐκ Πάρου," Ἀρχ. Ἐφ. 1952, 32-95 (cf. *Bull. ép.* 1955, 178) contains *inter alia* three oracles given to a Parian called Mnesiepes who wished to establish a sacred precinct. These oracles, reported in prose, help one to understand how Apollo of Delphi might have replied to a question by a Spartan whether or not it was better to dedicate a precinct to Zeus <He>llanios and Athena <He>llania for a certain purpose or ritual.

These oracles provide not only comparative material for the Great Rhetra of Chapter I, but a case of the Zeus Hyperdexios and Athena Hyperdexia mentioned in Chapter I.

Μνησιέπει ὁ θεὸς ἔχρησε λῶιον καὶ ἄμεινον εἶμεν  
ἐν τῷ τεμένει, ὃ κατασκευάζει, ἰδρυσαμένῳι  
βωμὸν καὶ θύοντι ἐπὶ τούτου Μούσαις καὶ Ἀπόλλ[ωνι]  
Μουσαγέται καὶ Μνημοσύνῃ· θύειν δὲ καὶ καλλι-  
ερεῖν Διὶ Ὑπερδεξίῳ, Ἀθάνῃ Ὑπερδεξίῃ,

Ποσειδῶνι Ἀσφαλείῳ, Ἡρακλεῖ, Ἀρτέμιδι Εὐκλείῃ·  
 Πυθῶδε τῷ Ἀπόλλωνι σωτήρια πέμπειν:

---

Μνησιέπει ὁ θεὸς ἔχρησε λῶιον καὶ ἄμεινον εἶμεν  
 ἐν τῷ τεμένει, ὃ κατασκευάζει, ἰδρυσασμένῳ  
 βωμὸν καὶ θύοντι ἐπὶ τούτου Διονύσῳ καὶ Νύμφαις  
 καὶ Ὁραῖς· θύειν δὲ καὶ καλλιερεῖν Ἀπόλλωνι  
 Προστατηρίῳ, Ποσειδῶνι Ἀσφαλείῳ, Ἡρακλεῖ·  
 Πυθῶδε τῷ Ἀπόλλωνι σωτήρια πέμπειν [:]

---

Μνησιέπει ὁ θεὸς ἔχρησε λῶιον καὶ ἄμεινον εἶμεν  
 [τι] μῶντι Ἀρχίλοχον τὸμ ποιητάν, καθ' ἃ ἐπινοεῖ:

The three oracles given to Mnesiepes when he was thinking of establishing a sacred precinct are in response to three questions which Mnesiepes formulated. The third response is clearly equivalent to a mere "Yes," while the first two oracles are probably equivalent to a mere "Yes." The consultant tells the god what he is thinking of doing and asks whether it is better so;<sup>1</sup> the report of the god's affirmative replies is given without reference to a question as statements that it is better to do such and such. Thus the replies become commandments of the god.

The two first oracles are especially interesting for the way deities are grouped. The first group consists of the Muses, Apollo Musagetas, and Mnemosyne. These are the patrons of Music and Literature. The second group consists of Zeus Hyperdexios, Athana Hyperdexia, Poseidon Asphalios, Heracles, Artemis Eucleia. These, I think, are here worshipped as patrons of the civic community, the assembly and republic of the free Parians. Zeus Hyperdexios<sup>2</sup> and Athana Hyperdexia

<sup>1</sup> For expressions like καθ' ἃ ἐπινοεῖ see the *Bull. ép.* 1959, 299.

<sup>2</sup> Plutarch, *Aratus* 7 says that Aratus before attacking and overthrowing

appear as a pair at Thasos and Rhodes and suggest to me a role similar to that of Zeus <He>llanios and Athana <He>llania at Sparta and to that of Zeus Soter and Athena Soteira at Athens.

Similarly in the second oracle the deities fall into two quite distinct groups. Dionysus, the Nymphs and the Horai have little to do with the political life. On the other hand, Apollo Prostaterios, Poseidon Asphalios and Heracles, I think, are here worshipped as patrons of the council and magistrates in the civic community of the free Parians. Apollo Prostaterios appears at Tenos (*IG* XII 5, 892), Megara and Athens. At Megara a board, not of sacred ambassadors, but of officials called *theoroi*, set up a dedication to Apollo Prostaterios (*IG* VII 39). At Athens it is above all the prytaneis who come to mind for the sacrifices they offer to Apollo Prostaterios and Artemis Boulaia.

the tyrant of his native Sicyon gave his troops the password "Apollo Hyperdexios." Is it not probable that the epithet *hyperdexios* had some connection with the freedom of a civic community and the rule of law? For a discussion of the epithet see O. Weinreich, *Heilungswunder, Untersuchungen zum Wunderglauben der Griechen und Römer* (Relig. Versuchen und Vorarbeiten VIII [1909]) 41, and especially L. Robert, *Hellenica* x (1955) 63-66 and 295-96.

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### *List of Cardinal Dates*

- 776 B.C. The traditional date for the establishment of the Olympic Games may indicate that records and the calendar exist and that literacy has begun to be an aristocratic accomplishment in the Peloponnese.
- 754 B.C. The traditional date for the first ephors may indicate that lists of eponyms have begun and that a republic has been established at Sparta.
- 752 B.C. The traditional date for the institution of the archonship may indicate when the first Athenian republic was established.
- 585 B.C. The Elian presidency of the Olympic Games may indicate that the parent community of the Hellenes has reached full maturity.
- 509 B.C. The Republic is founded at Rome.
- 454 B.C. The removal of the treasury of the Delian League to the temple of Athena at Athens may have suggested that the daughter community of the Hellenes had burst fully grown from the head of Pericles.
- 197 B.C. The Proclamation at the Isthmian Games proclaims the reestablishment of the Free World of republics.
- 7 B.C. A Greek work of art represents the terrestrial *kosmos* of the Free World as actually achieved.
- 382 A.D. The altar of Victory is finally removed from the senate house at Rome.



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